MISSOURI HOUSE OF REPRESENTATIVES

2021 SUMMARIES OF TRULY AGREED TO AND FINALLY PASSED BILLS

101st GENERAL ASSEMBLY, FIRST REGULAR SESSION

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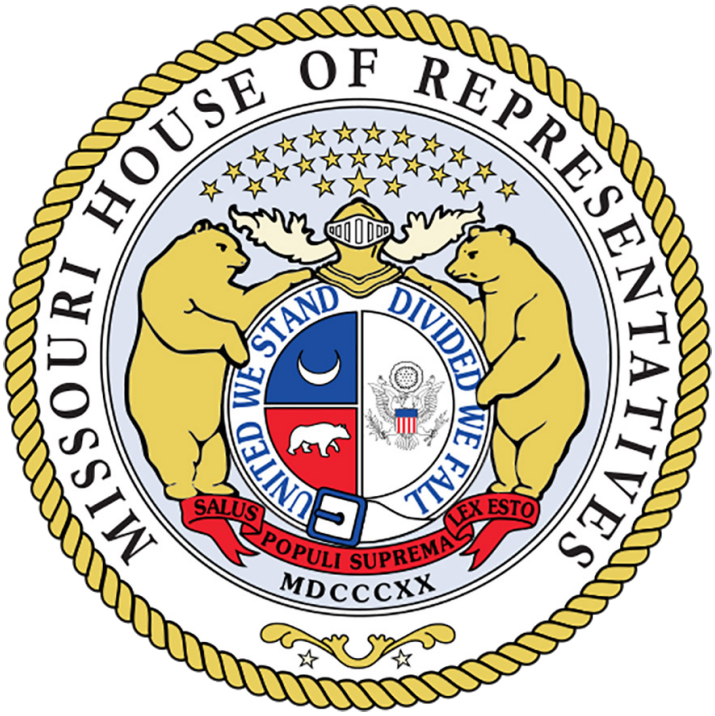
Prepared by
HOUSE RESEARCH



ABBREVIATIONS

HB – House Bill

HCS – House Committee Substitute

SB – Senate Bill

SCS – Senate Committee Substitute

SS – Senate Substitute

CCS – Conference Committee Substitute

EFFECTIVE DATE OF BILLS

Unless they have a referendum clause, all bills are subject to approval or veto by the Governor. Regular session bills approved by the governor become effective on August 28, 2021, unless another date is specified in the bill or the bill contains an emergency clause. A bill with an emergency clause becomes effective upon approval of the governor except where a later date is specified.

TRULY AGREED TO AND FINALLY PASSED
APPROPRIATIONS BILLS

House Bill	Department	FY 2021 Final Budget	FY 2022 After Veto Recommendation Budget
1	**Public Debt**		
	General Revenue	$ 16,433,854	$ 11,303,325
	Federal Funds	0	0
	Other Funds	1,104,987	1,103,925
	Total	$ 17,538,841	$ 12,407,250
2	**Elementary and Secondary Education**		
	General Revenue	$ 3,537,727,534	$ 3,609,098,782
	Federal Funds	3,374,917,619	2,259,629,274
	Other Funds	1,617,693,056	1,616,295,032
	Total	$ 8,530,338,209	$ 7,485,023,088
3	**Higher Ed and Workforce Development**		
	General Revenue	$ 844,315,154	$ 984,336,341
	Federal Funds	505,430,056	152,562,691
	Other Funds	278,764,448	277,419,010
	Total	$ 1,628,509,658	$ 1,414,318,042
4	**Revenue**		
	General Revenue	$ 63,755,607	$ 64,248,965
	Federal Funds	5,993,737	4,130,415
	Other Funds	443,126,204	443,766,464
	Total	$ 512,875,548	$ 512,145,844
4	**Transportation**		
	General Revenue	$ 86,806,231	$ 95,986,350
	Federal Funds	245,451,400	232,252,556
	Other Funds	2,729,517,106	2,813,262,869
	Total	$ 3,061,774,737	$ 3,141,501,775
5	**Office of Administration**		
	General Revenue	$ 225,380,400	$ 338,235,516
	Federal Funds	111,634,428	539,203,737
	Other Funds	196,422,836	141,473,215
	Total	$ 533,437,664	$ 1,018,912,468
5	**Employee Benefits**		
	General Revenue	$ 698,562,137	$ 723,661,704
	Federal Funds	328,208,404	302,296,185
	Other Funds	227,106,762	230,588,841
	Total	$ 1,253,877,303	$ 1,256,546,730
6	**Agriculture**		
	General Revenue	$ 5,552,309	$ 7,720,117
	Federal Funds	26,217,809	26,902,363
	Other Funds	27,294,338	27,784,822
	Total	$ 59,064,456	$ 62,407,302

House Bill	Department	FY 2021 Final Budget	FY 2022 After Veto Recommendation Budget
6	**Natural Resources**		
	General Revenue	$ 23,749,386	$ 31,352,183
	Federal Funds	79,522,959	66,733,183
	Other Funds	523,363,326	521,635,033
	Total	$ 626,635,671	$ 619,720,399
6	**Conservation**		
	General Revenue	$ 0	$ 0
	Federal Funds	0	0
	Other Funds	167,569,312	172,752,997
	Total	$ 167,569,312	$ 172,752,997
7	**Economic Development**		
	General Revenue	$ 65,391,939	$ 71,826,113
	Federal Funds	165,016,349	620,853,714
	Other Funds	39,024,895	39,561,370
	Total	$ 269,433,183	$ 732,241,197
7	**Commerce and Insurance**		
	General Revenue	$ 1,043,967	$ 1,053,589
	Federal Funds	1,400,000	1,400,000
	Other Funds	63,087,051	63,616,977
	Total	$ 65,531,018	$ 66,070,566
7	**Labor and Industrial Relations**		
	General Revenue	$ 2,371,501	$ 2,388,761
	Federal Funds	104,696,538	166,203,764
	Other Funds	133,831,279	129,870,113
	Total	$ 240,899,318	$ 298,462,638
8	**Public Safety**		
	General Revenue	$ 77,148,421	$ 87,943,467
	Federal Funds	1,500,004,150	412,491,105
	Other Funds	458,045,263	462,574,204
	Total	$ 2,035,197,834	$ 963,008,776
9	**Corrections**		
	General Revenue	$ 710,738,484	$ 738,722,369
	Federal Funds	16,464,033	8,459,859
	Other Funds	76,656,210	75,726,497
	Total	$ 803,858,727	$ 822,908,725
10	**Mental Health**		
	General Revenue	$ 938,326,666	$ 959,722,635
	Federal Funds	1,478,466,092	1,777,321,254
	Other Funds	44,735,131	47,037,192
	Total	$ 2,461,527,889	$ 2,784,081,081

House Bill	Department	FY 2021 Final Budget	FY 2022 After Veto Recommendation Budget
10	**Health and Senior Services**		
	General Revenue	$ 391,778,251	$ 411,858,534
	Federal Funds	1,319,956,316	1,900,669,263
	Other Funds	38,881,658	37,787,494
	Total	$ 1,750,616,225	$ 2,350,315,291
11	**Social Services**		
	General Revenue	$ 1,892,563,350	$ 1,827,710,426
	Federal Funds	5,401,589,954	5,635,231,755
	Other Funds	3,339,830,265	3,139,383,741
	Total	$ 10,633,983,569	$ 10,602,325,922
12	**Elected Officials**		
	General Revenue	$ 65,522,438	$ 75,800,608
	Federal Funds	56,471,968	43,000,437
	Other Funds	81,222,364	79,344,016
	Total	$ 203,216,770	$ 198,145,061
12	**Judiciary**		
	General Revenue	$ 198,305,525	$ 216,781,681
	Federal Funds	14,693,065	14,767,438
	Other Funds	15,085,033	15,024,320
	Total	$ 228,083,623	$ 246,573,439
12	**Public Defender**		
	General Revenue	$ 48,979,427	$ 53,429,206
	Federal Funds	625,000	625,000
	Other Funds	2,735,949	2,748,609
	Total	$ 52,340,376	$ 56,802,815
12	**General Assembly**		
	General Revenue	$ 38,688,060	$ 39,160,240
	Federal Funds	0	0
	Other Funds	375,061	375,989
	Total	$ 39,063,121	$ 39,536,229
13	**Real Estate**		
	General Revenue	$ 74,894,651	$ 75,514,034
	Federal Funds	19,145,288	19,367,568
	Other Funds	11,171,847	11,483,804
	Total	$ 105,211,786	$ 106,365,406

House Bill	Department	FY 2021 Final Budget	FY 2022 After Veto Recommendation Budget
	Total Operating Budget		
	General Revenue	$ 10,008,035,292	$ 10,427,854,946
	Federal Funds	14,755,905,165	14,184,101,561
	Other Funds[1]	10,516,644,381	10,350,616,534
	Total	$ 35,280,584,838	$ 34,962,573,041
	Capital Improvements		
	General Revenue	$ 87,865,750	$ 100,330,549
	Federal Funds	57,317,598	237,611,435
	Other Funds	180,700,961	257,087,488
	Total	$ 325,884,309	$ 595,029,472
	Grand Total		
	General Revenue	$ 10,095,901,042	$ 10,528,185,495
	Federal Funds	14,813,222,763	14,421,712,996
	Other Funds	10,697,345,342	10,607,704,022
	Total	$ 35,606,469,147	$ 35,557,602,513

TRULY AGREED TO AND FINALLY PASSED
HOUSE BILLS

SCS HCS#2 HB 69 -- CERTAIN METALS

This bill modifies provisions relating to certain metals.

PRECIOUS METALS (Section 407.292, RSMo)

Currently, each item purchased by a buyer of precious metal must be retained in an unaltered condition for five full working days. This bill requires that such metal remain in an unaltered state for a period of 10 days that the buyer is open to the public.

Records of buyer transactions must be made available upon request and must be made available at the location where the transaction occurred. The buyer must not keep law enforcement officials, governmental entities, or any other concerned entities or persons from accessing such records during the buyer's normal business hours.

COPPER PROPERTY (Section 407.297)

This bill prohibits a person from engaging in the business of a copper property peddler, as defined in the bill, in the city of St. Louis without first obtaining a license from the city and complying with the provisions of the bill.

The requirements for the application for a license are specified in the bill. A license must not be granted to any person who has been convicted of burglary, robbery, stealing, theft, or possession or receiving stolen goods in the two years prior to the date of application. Licenses will expire June 30 each year. The city has the power and authority to revoke a copper property peddler's license for any willful violation of the bill.

This provision will be effective only when the city is actively issuing licenses to copper property peddlers.

RECORDS FOR THE SALE OF METAL (Section 407.300)

The bill changes the requirements of maintaining sales records of certain metals from two years to three years. A transaction that includes a detached catalytic converter must occur at the fixed place of business of the purchaser. A detached catalytic converter must be maintained for five business days before it is altered, modified, disassembled, or destroyed.

Anyone licensed for selling motor vehicle parts as set forth in statute who knowingly purchases a stolen detached catalytic converter will be subject to penalties as specified in the bill.

Currently, every purchaser or collector of, or dealer in, junk, scrap metal, or any second hand property is required to maintain written or electronic records for each purchase or trade in which certain types of material are obtained for value, with exceptions. This bill repeals the exception to the records requirement for any transaction for which the total amount paid for all regulated material purchased or sold does not exceed $50, unless the material is a catalytic converter.

The records requirement of the bill does not apply to transactions for which the seller has an existing business relationship with the purchaser and for which the seller is paid by check or by electronic funds transfer, or for which the seller produces an acceptable identification, which will be a copy of the driver's license or photo identification issued by the state or by the U.S. government or agency thereof, and a copy is retained by the purchaser.

The bill also specifies that transactions for metal that is a minor part of heating and cooling equipment shall be subject to the records requirement of the bill.

OFFENSE OF STEALING (Section 570.030)

The offense of stealing is a Class E felony if the property is a catalytic converter.

SS SCS HCS HBs 85 & 310 -- THE RIGHT TO BEAR ARMS

The bill establishes the "Second Amendment Preservation Act", which:

(1) Declares that laws, rules, orders, or other actions that collect data, restrict or prohibit the manufacture, ownership, and use of firearms, firearm accessories, or ammunition exclusively within this state exceed the powers granted to the federal government except to the extent they are necessary and proper for governing and regulating land and naval forces of the United States or for organizing, arming, and discipling militia forces actively employed in the service of the United States Armed Forces. Infringing actions would include any registration or tracking of firearms, firearm accessories, or ammunition or any registration or tracking of the ownership of firearms, firearm accessories, or ammunition;

(2) Declares that all federal acts, laws, executive orders, administrative orders, court orders, rules, and regulations, whether past, present, or future, that infringe on the people's right to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution and Article I, Section 23 of the Missouri Constitution must be invalid in this state, including those that impose a tax, levy, fee, or stamp on these items as specified in the bill; require the registration or tracking of these items or their owners; prohibit the possession, ownership, use, or transfer of a firearm; or order the confiscation of these items;

(3) Declares that it must be the duty of the courts and law enforcement agencies to protect the rights of law-abiding citizens to keep and bear arms and that no person, including a public officer or state employee of this state or any political subdivision of this state, can have authority to enforce or attempt to enforce any federal laws, orders, or rules infringing on the right to keep and bear arms;

(4) Specifies that any entity or person who knowingly acts under the color of any federal or state law to deprive a Missouri citizen of the rights or privileges ensured by the federal and state constitutions to keep and bear arms must be liable to the injured party for redress, including monetary damages in the amount of $50,000 per occurrence and injunctive relief. Reasonable attorney fees and costs may be awarded to the prevailing party with specified exceptions. The employer of the individual who

is found liable is responsible for the civil penalty, attorney's fees, and court costs associated with the litigation if the individual is found to have violated this act. Government entities may not recover under this act;

(5) Declares the federal excise tax rate on arms and ammunition in effect prior to January 1, 2021, which funds programs under the Wildlife Restoration Act, does not have a chilling effect on the purchase or ownership of such arms and ammunition;

(6) Declares nothing in these sections shall be construed to prohibit Missouri officials from accepting aid from federal officials in an effort to enforce Missouri laws;

(7) Declares that "material aid and support" shall include voluntarily giving or allowing others to make use of lodging; communications equipment or services, including social media accounts; facilities; weapons; personnel; transportation; clothing; or other physical assets. Material aid and support shall not include giving or allowing the use of medicine or other materials necessary to treat physical injuries, nor shall the term include any assistance provided to help persons escape a serious, present risk of life-threatening injury;

(8) Declares that it shall not be considered a violation of Sections 1.410 to 1.480 to provide material aid to federal officials who are in pursuit of a suspect when there is a demonstrable criminal nexus with another state or country and such suspect is either not a citizen of this state or is not present in this state; and

(9) Declares that it shall not be considered a violation of Sections 1.410 to 1.480 to provide material aid to federal prosecution for:

a) Felony crimes against a person when such prosecution includes weapons violations substantially similar to those found in Chapter 570 or Chapter 571 so long as such weapons violations are merely ancillary to such prosecution; or

b) Class A or class B felony violations substantially similar to those found in Chapter 579 when such prosecution includes weapons violations substantially similar to those found in Chapter 570 or Chapter 571 so long as such weapons violations are merely ancillary to such prosecution.

Sovereign immunity shall not be a defense.

This bill contains an emergency clause.

CCS SS#2 SCS HCS HB 271 -- LOCAL GOVERNMENT

MISSOURI LOCAL GOVERNMENT EXPENDITURE DATABASE (Section 37.1090, 37.1091, 37.1092, 37.1093, 37.1094, 37.1095, 37.1096, 37.1097, and 37.1098, RSMo)

This bill establishes the "Missouri Local Government Expenditure Database", to be maintained by the Office of Administration. For each fiscal year beginning after December 31, 2022, the database must include extensive information about a given municipality's or county's expenditures and the vendors to whom payments were made. The database must be accessible by the public without charge and have multiple ways to search and filter the information.

A municipality or county may voluntarily participate in the database, or may be required to participate if a requisite number of residents of the municipality request that it participate, as specified in the bill. A link to the database on a municipal or county website is required.

The Office of Administration may stipulate a format for information and will provide a template for municipalities and counties to use in sending information. Other duties and responsibilities of the Office of Administration regarding the database are detailed in the bill. Financial reimbursement to municipalities and counties for costs associated with the database is authorized.

COUNTY COMMISSIONS (Sections 49.266, 49.310, 476.083, and 50.530)

Currently, the county commissions in first, second, and fourth class counties are authorized to promulgate regulations concerning the use of county property. This bill authorizes the county commission in all first, second, third, and fourth class counties to promulgate such regulations.

In absence of any local agreement, any courthouse that contains both county offices and court facilities, the presiding judge of the circuit may establish rules and procedures for court facilities and areas necessary for court-related usage. The county commission shall have authority over all other areas of the courthouse.

This bill repeals the provision that in Cass County the presiding commissioner shall be the budget officer unless the county commission designates the county clerk as the budget officer.

COUNTY OFFICIALS (Section 50.166, 50.327, 59.021, 59.100, 82.390, 84.400, 91.450, and 115.127)

Currently, a county clerk may transmit in the form of a warrant the amount due for a grant, salary, pay, and expenses to the county treasurer.

This bill provides that, upon request, the county treasurer shall have access to any financially relevant document in the possession of any county official for the purposes of processing a warrant. If the warrant is received in the absence of a check, then the county treasurer shall have access to the information necessary to process the warrant.

Additionally, no official of any county shall refuse a request from the county treasurer for access to or a copy of any document in the possession of a county office that is financially relevant to the salaries of county officers and assistants; however, a county official may redact, remove, or delete any personal identifying information before submission to the county treasurer. Finally, no county treasurer shall refuse to release funds for the payment of any properly approved expenditure.

Currently, the compensation for non-charter county coroners is based on salary schedules established by law. Under this bill, upon majority approval of the salary commission, the annual compensation of a county coroner in a second class county may be increased up

to $14,000 greater than the compensation provided by the salary schedule established by law.

The bill provides that each candidate for county recorder shall provide to the election authority a copy of an affidavit from a surety company authorized to do business in this state that indicates the candidate is able to satisfy the bond requirements of the office.

Additionally, under current law, all recorders of deeds elected in first, second, and third classification counties shall enter into bond with the state for an amount set by the county commission of not less than $1,000, with sufficient sureties. Under this bill, these provisions shall only apply to recorders of deeds elected prior to January 1, 2022. For all recorders of deeds elected after December 31, 2021, in first, second, and third classification, counties shall enter into bond with the state for an amount set by the county commission of not be less than $5,000, with sufficient sureties.

This bill provides that beginning January 1, 2022, the license collector of St. Louis City shall receive a salary of $125,000 per year and such salary may be annually increased by an amount equal to the annual salary adjustment for employees of St. Louis City as approved by the board of aldermen.

This bill provides that a member of the Kansas City Board of Police Commissioners or any member of such police force may be appointed to serve on any state or federal board, commission, or task force where no compensation for such service is paid, except that such board member may accept a per diem or reimbursement for necessary expenses for attending meetings.

This bill allows residents of a county that receive services from a board of public works in certain cities to be appointed to serve on such board.

Currently, the period for filing a declaration of candidacy in certain political subdivisions and special districts is from 8:00 a.m. on the 16th Tuesday prior to the election until 5:00 p.m. on the 11th Tuesday prior to the election. Additionally, the opening date for filing a declaration of candidacy in Kansas City, and any political subdivision or special district within Kansas City, is 8:00 a.m. on the 15th Tuesday prior to the election until 5:00 p.m. on the 11th Tuesday prior to the election.

This bill makes the filing period for declarations of candidacy in all political subdivisions and special districts that have not otherwise required a filing period by law or charter to be 8:00 a.m. on the 17th Tuesday prior to the election until 5:00 p.m. on the 14th Tuesday prior to the election.

COMPETITIVE BID PROCESS (Sections 50.660 and 50.783)

Currently, all contracts and purchases made by a county shall be given to the lowest and best bidder after opportunity for competition, except that advertising is not required in the case of contracts or purchases involving an expenditure of less than $6,000. It is not necessary to obtain bids on any purchases in the amount of $6,000 or less made from any one person or corporation during any period of 90 days. Additionally, the county commission may waive the requirement of competitive bidding, except on any single feasible source purchase where the estimated expenditure is over $6,000, the commission shall post notice of the proposed purchase and advertise the commission's intent in at least one daily and one weekly newspaper in regular circulation.

This bill changes the threshold from $6,000 to $12,000 for these expenditures. It shall not be necessary to advertise or obtain bids for expenditures less than $12,000.

PROPERTY MAINTENANCE (Sections 64.207 and 67.398)

This bill authorizes Boone County to adopt property maintenance regulations and ordinances as provided in the bill. The unavailability of a utility service due to nonpayment is not a violation of the property maintenance code.

Under this bill, the property maintenance code must require the county commission to create a process for selecting a designated officer to respond to written complaints of the condition of a rented residence that threaten the health or safety of the tenants. When a written complaint is filed, the owner of any rental residence must be served with a notice specifying the condition alleged in the complaint and state a reasonable date by which abatement of the condition must commence. If work to abate the condition does not commence as determined by the designated officer, the complaint shall be given a hearing before the county commission. If the county commission finds that the rented residence has a dangerous condition that is harmful to the health, safety, or welfare of the tenant, the county commission shall issue an order that the condition be abated. If the owner violates an order issued by the county commission the owner may be punished by a penalty, which shall not exceed a Class C misdemeanor.

This bill adds that Franklin County may enact ordinances to provide for the abatement of a condition of any lot that has the presence of a nuisance or debris of any kind.

PUBLIC HEALTH ORDERS (Sections 67.265 and 192.300)

A political subdivision shall not issue a public health order, defined in the bill as an order, ordinance, rule, or regulation issued in response to an actual or perceived threat to public health for the purpose of preventing the spread of a contagious disease, during a state of emergency declared by the Governor that directly or indirectly closes, partially closes, or places restrictions on the opening of or access to any one or more businesses, churches, schools, or other places of gathering or assembly for a period of time longer than 30 calendar days in a 180-day period. Such orders may be extended more than once upon a simple majority vote of the political subdivision's governing body.

A political subdivision shall not issue a public health order of general applicability during a time other than a state of emergency that directly or indirectly closes an entire classification of businesses, churches, schools, or other places of gathering or assembly for a period

of time longer than 21 days in a 180-day period. Such orders may be extended more than once upon a two-thirds vote of the political subdivision's governing body.

The governing bodies of the political subdivisions issuing orders under this bill shall at all times have the authority to terminate an order issued or extended under this section upon a simple majority vote of the body.

No rule promulgated by the Department of Health and Senior Services shall authorize a local public health official to create or enforce any public health orders inconsistent with this bill.

Finally, this bill modifies provisions that a county health board shall not impose standards or requirements on an agricultural operation that are inconsistent with, in addition to, different from, or more stringent than any other law or regulation concerning such agricultural operations.

These provisions contain an emergency clause.

SENIOR CITIZENS' SERVICES FUND (Sections 67.990 and 67.993)

Currently, counties and the City of St. Louis may collect a tax for a Senior Citizens' Services Fund. This bill provides that deposits in such a fund shall be expended only upon approval of the board of directors and, if in a county, only in accordance with the fund budget approved by the county.

Additionally, this bill provides that the board of directors of the City of St. Louis may solicit, accept, and expend grants from private or public entities and enter into agreements to effectuate such grants so long as the transaction is in the best interest of the programs provided by the board and the proceeds are used exclusively to fund such programs.

COUNTY CONVENTION AND SPORTS FACILITIES AUTHORITY (Sections 67.1153 and 67.1158)

This bill provides that the commissioners of a county convention and sports facilities authority shall be appointed by the county executive of the county in which the authority is created with the advice and consent of the county legislative body. If there is no county executive, then the commissioners shall be appointed by the governing body of the county.

Additionally, currently, counties that have established a county convention and sports facilities authority may impose a transient guest tax. This bill provides that after the effective date of such tax, the county may enter into an agreement with the authority for the authority to collect the tax.

Finally, any tax collected by the authority shall be due on the first day of the next calendar quarter. If any taxes are not paid within 30 days after the due date, the authority may collect 1% interest per month on the unpaid taxes and a penalty of 2% per month on the unpaid tax. Any suits to enforce the collection of the tax shall be filed and prosecuted only by the authority. The authority shall be entitled to recover costs and attorney's fees incurred in collecting the tax.

TELECOMMUNICATIONS (Section 67.1847, 67.2680, and 71.100)

This bill provides that a political subdivision, including a grand-fathered political subdivision, shall not charge a linear foot fee for the use of its right-of-way to a telecommunications company or other public utility. However, a political subdivision that was charging linear foot fees as of May 1, 2021, may collect a fee of no more than 5% of gross telecommunications service revenue in lieu of linear foot fees in addition to any permit fees imposed to recover actual rights of way management costs.

Under this bill, the state or any other political subdivision shall not impose any new tax, license, or fee in addition to any tax, license, or fee already authorized on or before August 28, 2021, on satellite or streaming video services.

This bill allows two or more municipalities to form a broadband infrastructure improvement district for the delivery of broadband Internet service to the residents of such municipalities. A district created under the bill shall have to power partner with a telecommunications company or broadband service provider in order to construct or improve telecommunications facilities as specified in the bill.

A district may finance the provision or expansion of broadband Internet service through grants, loans, bonds, user fees, or a sales tax, not to exceed 1%. The bill also sets forth the composition and operation of the district governing board.

UTILITIES (Sections 91.025, 386.800, 393.106, 394.020, 394.315, and 204.569)

This bill provides that in the event that a retail electric supplier is providing service to a structure located within a municipality that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.

Additionally, in the absence of an approved territorial agreement, the municipally owned utility shall apply to the Public Service Commission for an order assigning nonexclusive service territories and concurrently shall provide written notice of the application to other electric service suppliers with electric facilities located within one mile outside of the boundaries of the proposed expanded service territory. In granting the applicant's request, the Commission shall give due regard to territories previously served by the other electric service suppliers and the wasteful duplication of electric service facilities.

Any municipally owned electric utility may extend its electric service territory to include areas where another electric supplier currently is not providing permanent service to a structure. If a rural electric cooperative has existing electric service facilities in the area proposed to be annexed, the majority of the existing developers, landowners, or prospective electric customers may submit a written request to the governing body of the annexing municipality to invoke mandatory good faith negotiations as provided in the bill. These provisions shall also apply in the event an electrical corporation

rather than a municipally owned electric utility is providing electric service in the municipality.

Currently, when an unincorporated sewer subdistrict of a common sewer district has been formed, the board of trustees of the common sewer district shall have the power to issue bonds, and the issuance of such bonds shall require the assent of 4/7 of the voters of the subdistrict on the question. This bill states that as an alternative to such vote, if the subdistrict is a part of a common sewer district located in whole or in part in certain counties, bonds may be issued for such subdistrict if the question receives the written assent of 3/4 of the customers, as such term is defined in the bill, of the subdistrict.

This bill also changes the term "fair and reasonable compensation" to be 200%, rather than 400%, of gross revenues less gross receipts taxes received by the affected electric service supplier from the 12 month period preceding the approval of the municipality's governing body.

Nothing in this bill shall be construed as otherwise conferring upon the Public Service Commission jurisdiction over the service, rates, financing, or management of any rural electric cooperative or any municipally owned electric utility.

Additionally, this bill changes the definition of "rural area" for the purposes of Chapter 394 to include any area not included within the boundaries of any city, town, or village having a population in excess of 1,600 inhabitants. The bill also adds that the above number of inhabitants to be increased by 6% every 10 years after each census beginning in 2030.

EXPENDITURE OF PUBLIC FUNDS (Section 115.646)

This bill prohibits the contribution or expenditure of public funds by any school district or by any officer, employee, or agent of any school district:

(1) To support or oppose the nomination or election of any candidate for public office;
(2) To support or oppose the passage or defeat of any ballot measure;
(3) To any committee supporting or opposing candidates or ballot measures; or
(4) To pay debts or obligations of any candidate or committee previously incurred for the above purposes.

Any purposeful violation of this bill is punishable as a class four election offense.

PROPERTY TAX (Sections 137.280 and 139.100)

This bill allows a county assessor, upon request of a taxpayer, to send personal property tax lists and notices in electronic form.

Current law requires a county collector to assess penalties on property tax payments not made as of the first of January. For all property tax liabilities incurred on or after January 1, 2020, and on or before December 31, 2020, this bill allows the St. Louis County collector to enter into an agreement with any taxpayer for the payment of such taxes, including a waiver or reduction of penalties, provided that any such agreement requires such taxes to be paid not later January 8, 2021. If the penalties are waived or reduced, the portion of the penalties and interest paid may be credited to the taxpayer. The county may then reduce on a pro-rata basis any distributions to taxing jurisdictions by the amount of any penalties waived or reduced.

This provision contains an emergency clause.

REIMBURSEMENTS TO COUNTIES (Section 221.105)

Currently, the Department of Corrections shall issue a reimbursement to a county for the actual cost of incarceration of a prisoner not to exceed certain amounts as provided in the bill. However, the amount shall not be less than the amount appropriated in the previous fiscal year.

This bill repeals the provision that the amount reimbursed to counties shall not be less than the amount appropriated in the previous fiscal year.

THE SALE OF METALS (Sections 407.297, 407.300, and 570.030)

No person shall engage in the business of a copper property peddler, as such term is defined in the bill, in the city of St. Louis without first obtaining a license from the city and complying with the provisions of the bill.

The requirements for the application for a license are specified in the bill. No license shall be granted to any person who has been convicted of burglary, robbery, stealing, theft, or possession or receiving stolen goods in the two years prior to the date of application.

The city has the power and authority to revoke a copper property peddler's license for any willful violation of the bill.

This provision shall only be effective when the city is actively issuing licenses to copper property peddlers.

This bill requires records of sales of certain metals to be maintained for three years rather than two years. A transaction that includes a detached catalytic converter shall occur at the fixed place of business of the purchaser. A detached catalytic converter shall be maintained for five business days before it is altered, modified, disassembled, or destroyed.

Anyone licensed for selling motor vehicle parts as set forth in statute who knowingly purchases a stolen detached catalytic converter shall be subject to penalties as specified in the bill.

Currently, every purchaser or collector of, or dealer in, junk, scrap metal, or any second hand property is required to maintain written or electronic records for each purchase or trade in which certain types of material are obtained for value, with exceptions. This bill repeals the exception to the records requirement for any transaction for which the total amount paid for all regulated material purchased or sold does not exceed $50, unless the material is a catalytic converter.

The records requirement of the bill does not apply

to transactions for which the seller has an existing business relationship with the purchaser and for which the seller is paid by check or by electronic funds transfer, or the seller produces an acceptable identification, which shall be a copy of the driver's license or photo identification issued by the state or by the U.S. government or agency thereof, and a copy is retained by the purchaser.

The bill also specifies that transactions for metal that is a minor part of heating and cooling equipment shall not be subject to the records requirement in the bill.

The offense of stealing shall be a class E felony if the property is a catalytic converter.

MARRIAGE LICENSES (Section 451.040)

This bill provides that applicants for a marriage license may present an application for the license to the recorder of deeds in person or electronically through an online process.

If a recorder of deeds utilizes an online process to accept applications for a marriage license or to issue a marriage license and the applicants' identity has not been verified in person, the recorder shall have a two-step identity verification process or other process that verifies the identity of the applicants. Finally, the recorder shall not accept applications for or issue marriage licenses through an online process unless both applicants are at least 18 years of age and at least one of the applicants is a resident of the county in which the application was submitted.

COURTS (Sections 485.060 and 488.2235)

Beginning January 1, 2022, this bill provides that the annual salary of each court reporter for a circuit judge shall be adjusted by a percentage based on each court reporter's cumulative years of service with the circuit courts.

Currently, in additional to all other court costs for municipal ordinance violations, Kansas City may collect additional court costs up to $5 per case filed before a municipal division judge. This bill extends the sunset provision to August 28, 2026.

DOCUMENTATION OF VACCINATION (Section 1)

This bill provides that no county, city, town, or village receiving public funds shall require documentation of an individual having received a vaccination against COVID-19 in order for the individual to access transportation system or services or any other public accommodations.

CCS SS#2 SCS HB 273 -- PROFESSIONAL REGISTRATION

This bill modifies provisions relating to professional registration.

LICENSURE RECIPROCITY (Sections 324.009 and 324.087, RSMo)

Current law provides that any person who for at least one year has held a valid, current license issued by another state, a U.S. territory, or the District of Columbia, which allows the person to legally practice an occupation or profession in such jurisdiction may apply for an equivalent Missouri license through the appropriate oversight body, subject to procedures and limitations provided in current law.

This bill allows any person who holds a valid, current license issued by a branch or unit of the military to also apply for an equivalent Missouri license.

This bill also adopts the Occupational Therapy Licensure Compact.

DISQUALIFICATION FOR LICENSURE (Section 324.012)

Currently, an individual with a criminal record may petition a licensing authority for a determination of whether the criminal record will disqualify the individual from obtaining a professional license. This bill requires licensing authorities to notify the petitioner in writing of the grounds and reasons if the authority determines that the petitioner is disqualified. This bill also removes an exemption for certain licensing authorities listed in current law from the petition requirements.

This bill also removes a provision in current law requiring licensing authorities to only list criminal convictions directly related to the licensed occupation for purposes of the Fresh Start

Act of 2020.

DIETITIANS (Sections 324.200 and 324.206)

Current law provides that, for purposes of provisions of law regulating the practice of nutrition and dietetics, "medical nutrition therapy" shall mean nutritional diagnostic, therapy, and counseling services furnished by a registered dietitian or registered dietitian nutritionist. This bill modifies the definition of "medical nutrition therapy" to mean the provision of nutrition care services for the treatment or management of a disease or medical condition.

This bill specifies that no provision of law governing licensed dietitians shall interfere with any person credentialed in the field of nutrition providing advice, counseling, or evaluations related to food, diet, or nutrition within his or her scope of practice if such services do not constitute medical nutrition therapy under the Dietitian Practice Act. Prior to performing any service to which the law governing licensed dietitians does not apply under the bill, a credentialed non-dietitian shall provide his or her name, title, business address and telephone number, a statement that he or she is not a licensed dietitian, a statement that his or her information or advice may constitute alternative care, and his or her qualifications.

ARCHITECTS, ENGINEERS, AND LANDSCAPE ARCHITECTS (Sections 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, and 327.612)

Current law sets forth the practice of an architect in Missouri as any person who renders or offers to render or represent himself or herself as willing or able to render service or creative work which requires architectural education, training and experience.

This bill modifies the practice of architecture to

include the rendering or offering to render services in connection with the design and construction of public and private buildings, structures and shelters, site improvements, in whole or part, which have as their principal purpose human occupancy or habitation. The bill sets forth the services that may be included in the practice of architecture. Only a person with the required architectural education, practical training, relevant work experience, and licensure may practice as an architect in Missouri.

Current law prohibits any person from practicing architecture in Missouri unless and until such person is licensed or certificated to practice architecture in the state. Current law also exempts certain persons from this requirement.

This bill repeals provisions exempting persons who render architectural service in connection with the construction, remodeling, or repairing of certain commercial or industrial buildings or structures or structures containing less than 2,000 square feet. All other persons exempt from the licensing requirement may engage in the practice of architecture, provided such person does not use the title "architect" or other terms specified in the bill that indicate or imply that such person is or holds himself or herself out to be an architect. This bill also exempts any person who renders architectural services in connection with the construction, remodeling, or repairing of any building or structure used exclusively for agriculture purposes from the licensing requirement.

Current law also exempts any person who renders architectural services in connection with the construction, remodeling or repairing of any privately owned building specified in the bill, provided such person indicates on any documents furnished in connection with such services that the person is not a licensed architect. This bill repeals certain privately owned buildings from the list of buildings such person may provide services for, and adds any one building which provides for the employment, assembly, housing, sleeping, or eating of not more than nine persons, contains less than 2,000 square feet and is not part of another building structure.

Currently, any person is permitted to apply for licensure as an architect who holds a certified Intern Development Program record with the National Council of Architectural Registration Boards. This bill specifies that such person may also hold a certified Architectural Experience Program record.

Current law prohibits any person from practicing as a professional engineer in Missouri unless and until such person is licensed or certificated to practice engineering in the state. Current law also exempts certain persons from this requirement, including any person who is a regular full-time employee of a person, who performs professional engineering work for the person's employer if certain conditions are met.

This bill prohibits such exempted persons from using the title "professional engineer" or other terms set forth in the bill that indicate or imply that such person is or holds himself or herself out to be a professional engineer. This bill also exempts any person who renders professional engineering services in connection with the construction, remodeling, or repairing of any privately owned building, as specified in the bill, so long as the person rendering such type of services indicates on any documents furnished in connection with such services that the person is not a licensed professional engineer. Any person who renders engineering services in connection with the remodeling of any privately owned, multiple family dwelling house, flat, or apartment containing three or four families is also exempt, provided certain conditions are met, as is any person who renders professional engineering services in connection with a building or structure used exclusively for agriculture.

This bill repeals provisions in current law requiring any person entitled to be licensed as a professional engineer to be licensed within four years after the date on which he or she is entitled to be licensed, and providing that if such person is not licensed within that time, the Engineering Division of the Board may require him or her to take and satisfactorily pass an examination before issuing him or her a license.

Current law permits any person who is of good moral character, 21 years of age, who has a degree in landscape architecture, and has at least three years of landscape architectural experience to apply to the Board for licensure as a professional landscape architect.

This bill repeals the age requirement and also provides that an applicant who may not have a degree in landscape architecture may instead have an education which, in the opinion of the Board, equals or exceeds the education received by a graduate of an accredited school. This bill also requires an applicant to have taken and passed all sections of the landscape architectural registration examination administered by the Council of Landscape Architectural Registration Boards.

SHAMPOOING (Section 329.034)

This bill prohibits the Division of Professional Registration from requiring a license if a person engages solely in shampooing under the supervision of a licensed barber or cosmetologist.

PSYCHOLOGISTS (Section 337.068)

Currently, if the State Committee of Psychologists finds merit to a complaint made by a prisoner under the care and control of the Department of Corrections or who has been ordered to be taken into custody, detained, or held as a sexually violent predator, and takes further investigative action, no documentation may appear on file nor may any disciplinary action be taken in regards to the licensee's license unless there are grounds for the denial, revocation, or suspension of a license. This bill includes complaints made by individuals who have been ordered to be evaluated in a criminal proceeding involving mental illness.

This bill specifies that a psychologist subject to the complaint by an individual who has been ordered to be evaluated in a criminal proceeding involving mental illness prior to August 28, 2021, may submit a written request to destroy all documentation regarding the complaint, and notify any other licensing board in

another state, or any national registry who had been notified of the complaint, that the Committee found the complaint to be unsubstantiated.

REAL ESTATE LICENSEES (Sections 339.100 and 339.150)

This bill specifies that the Missouri Real Estate Commission may cause a complaint to be filed with the Administrative Hearing Commission against any licensed or previously licensed real estate broker, salesperson, broker-salesperson, appraiser, or appraisal manager for advertisements or solicitations which include a name or team name that uses the terms "realty", "brokerage", "company", or any other terms that can be construed to advertise a real estate company other than the licensee or a licensed business entity with whom the licensee is associated. The Commission may consider the context of the advertisement or solicitation when determining whether there has been a violation of this act.

This bill allows a real estate broker to pay compensation directly to a business entity, as defined in the bill, owned by a licensed real estate salesperson or broker-salesperson formed for the purpose of receiving compensation earned by such licensee.

The business entity shall not be required to be licensed and may be co-owned by an unlicensed spouse, a licensed spouse associated with the same broker as the licensee, or one or more other licensees associated with the same broker as the licensee.

INSURANCE PRODUCERS (Section 375.029)

This bill specifies that an insurance producer's active participation in a local, regional, state, or national professional insurance association may be approved by the Director of the Department of Commerce and Insurance for up to four hours of continuing education credit per biannual reporting period.

Credit granted under these provisions shall not be used to satisfy continuing education hours required to be in a classroom or classroom-equivalent setting, or to satisfy ethics education requirements.

UNIFORM ATHLETES AGENT ACT (Sections 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 326.245, 436.248, 436.254, 436.260, 436.263, 436.266, 436.257)

This bill modifies provisions of the Uniform Athlete Agents Act.

Current law defines an athlete agent as an individual who enters into an agency contract with a student athlete or recruits or solicits a student athlete to enter into an agency contract.

This bill defines an athlete agent as an individual who directly or indirectly recruits or solicits a student athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization. An athlete agent shall also mean a person providing certain services to a student athlete, as specified in the bill, including serving the student in an advisory capacity on a matter related to finance, business pursuits, or career management decisions, unless such person is an employee of an educational institution acting exclusively as an employee of the institution.

An athlete agent shall not include an individual who acts solely on behalf of a professional sports team or organization, or is a licensed, registered, or certified professional and offers or provides services to a student athlete customarily provided by members of the profession, unless such person meets certain requirements specified in the bill.

This bill requires an applicant for registration as an athlete agent to submit an application to the Director of the Division of Professional Registration within the Department of Commerce and Insurance that shall be in the name of an individual and shall include certain information specified in the bill, including each social media account with which the applicant or the applicant's business or employer is affiliated.

An applicant who is registered as an athlete agent in another state may apply for registration as an athlete agent, by submitting certain information to the Director.

The Director shall issue a certificate of registration to an applicant registered in another state who applies for registration under these provisions, if the Director determines that the application and registration requirements of the other state are substantially similar to or more restrictive than the requirements of these provisions, and if the registration has not been revoked or suspended and no action is pending against the applicant or the applicant's registration in any state.

The Director shall cooperate with any national organizations concerned with athlete agent issues and agencies in other states that register athlete agents to develop a common registration form, and to determine which states have laws substantially similar to or more restrictive than this bill. The Director shall also exchange any information related to actions taken against registered athlete agents or their registrations with such organizations.

An athlete agent registered under the provisions of this bill may renew his or her registration as specified in the bill or, if the registration in the other state has been renewed, by submitting to the Director copies of the application for renewal in the other state and the renewed registration from the other state. The Director shall renew the registration if he or she determines that the application and registration requirements of the other state are substantially similar to or more restrictive than the requirements of this bill, and if the registration has not been revoked or suspended and no action is pending against the applicant or the applicant's registration in any state.

An agency contract shall contain a statement that the athlete agent is registered as an athlete agent in this state and shall include a list of any other states in which the athlete is registered as an athlete agent.

This bill modifies the text required in an agency contract, and requires such contract to be accompanied by a separate record signed by the student athlete or, if the student athlete is a minor, by the parent or guardian

of a student athlete acknowledging that signing the contract may result in the loss of the student athlete's eligibility to participate in the student athlete's sport.

If an agency contract is voided, by a student athlete, or by the parent or guardian of a minor student athlete, any consideration received by the student athlete from the athlete agent under the contract shall not be required to be returned.

If a student athlete is a minor, an agency contract shall be signed by the parent or guardian of the minor.

If an athlete agent enters into an agency contract with a student athlete, and the student athlete then enrolls in an educational institution, such athlete agent shall notify the athletic director of the institution of the existence of a contract within 72 hours of learning the student has enrolled.

If an athlete agent has a relationship with a student athlete before such student enrolls in an educational institution and receives a scholarship, the athlete agent shall notify the athletic director of the institution of such relationship within 10 days of enrollment.

An athlete agent shall give notice in a record to the athletic director of any educational institution at which a student athlete is enrolled before the agent communicates or attempts to communicate with the student athlete in an attempt to influence such student to enter into an agency contract, or another individual to have such person influence the student to enter into an agency contract.

If a communication or attempted communication is initiated by a student athlete or another individual on behalf of the student athlete, the athlete agent shall give notice in a record to the athletic director at the educational institution at which the student athlete is enrolled within 10 days of the communication.

An educational institution that becomes aware of a violation of these provisions by an athlete agent shall notify the Director of the violation and any professional league or players' association with which the educational institution is aware the agent is licensed or registered.

An athlete agent shall not intentionally provide any student athlete with false information with the intent to influence such athlete to enter into an agency contract, nor shall any agent furnish anything of value to an individual if to do so may result in the loss of the student athlete's eligibility to participate in a sport unless certain requirements are met.

An athlete agent also may not intentionally initiate contact, directly or indirectly, with a student athlete to recruit or solicit the student athlete to enter into an agency contract, encourage another individual to perform any of the actions set forth in the bill, or encourage another individual to assist any other individual performing the listed acts.

An educational institution or a student athlete, under this bill, may bring an action for damages against an athlete agent if the institution or athlete is adversely affected, as defined in the bill, by an act or omission of the athlete agent. This bill repeals the provision allowing a former student athlete to bring an action for damages.

This bill repeals provisions of current law setting forth the damages that may be claimed by an educational institution. This bill specifies that a plaintiff who prevails in an action under this bill may recover actual damages, costs, and reasonable attorney's fees. An athlete agent found liable under this bill forfeits any right of payment for anything of benefit or value provided to the student athlete and shall refund any consideration paid to the athlete agent by or on behalf of the student athlete.

Any violation of this bill shall be considered an unfair trade practice.

Any individual who violates the provisions of this bill shall be guilty of a Class A misdemeanor. Any individual who commits a knowing violation shall be guilty of a Class E felony. Any such person shall also be liable for a civil penalty up to $100,000.

This bill repeals the provision providing that the commission of certain acts by an athlete agent shall be a Class B misdemeanor.

PHARMACISTS (Sections 338.010 and 338.730)

This amendment allows a pharmacist to dispense medication for HIV postexposure prophylaxis subject to a written protocol authorized by a licensed physician. Such prophylaxis shall include drugs approved by The Food and Drug Administration that meet the same clinical eligibility recommendations provided in current HIV guidelines published by The Centers for Disease Control and Prevention. The State Board of Registration for the Healing Arts and The State Board of Pharmacy shall jointly promulgate rules and regulations for the administration of this provision and shall not do so separately.

SS#2 HS HB 297 -- INSTITUTIONS OF HIGHER EDUCATION

This bill relates to institutions of higher education.

STUDENT RIGHT TO KNOW ACT (Sections 161.625 and 173.035, RSMo)

The bill creates the "Students' Right to Know Act", which, beginning January 1, 2022, requires the Department of Higher Education and Workforce Development (DHEWD) to annually collect and compile specified information to help high school students make more informed decisions about their futures and ensure they are adequately aware of the costs of four-year colleges and alternative career paths.

The information compiled on an annual basis must include:

(1) The most in-demand jobs in the state along with the starting salary and education levels required;
(2) The average cost, average monthly student loan payment and three-year student loan default rate for each public institution of higher education and vocational school in the state;
(3) The completion rates for apprenticeship programs,

high school credential programs, career and technical education programs, and military first-term enlistments; and

(4) The average starting salary for individuals graduating from each public institution of higher education and vocational school in the state.

The document must be available to the Department of Elementary and Secondary Education (DESE) for distribution to public school guidance counselors by October 15th each year. The information provided by the public institutions is also required to be available on the website of the Department of Higher Education and Workforce Development.

Currently, the DHEWD is required to operate a website containing information of public and private institutions of higher education. This bill adds vocational schools to this requirement and allows private institutions of higher education to choose if they want their information included on the website.

COMMUNITY COLLEGE DISTRICT (Section 162.441)

Currently, a school district may be attached to a community college district or to one or more adjacent seven-director school districts by a majority vote in the school district.

This bill requires that a community college proposing such an annexation present its proposal at a public, regularly-scheduled meeting of the school district 30-120 days prior to the annexation election.

The bill modifies the form of the question to be submitted on the ballot by requiring such question to ask whether the school district shall become part of the district, rather than whether the school district shall be annexed to other school districts specified in the ballot question. This bill also requires the question to be followed by information stating the amount per $100 by which such annexation will raise the community college tax levy and that such annexation will result in school district residents being eligible for in-district tuition rates at the community college. Annexation elections shall be held on a November general election day.

MISSOURI EDUCATION PROGRAM (Sections 166.400-166.440, 166.456, 166.502, and 209.610)

This bill changes the name of the "Missouri Education Savings Program" to the "Missouri Education Program".

This bill modifies the definition of "eligible educational institution" to include all eligible educational institutions, as defined in Section 529 of the Internal Revenue Code, rather than just institutions of postsecondary education.

CAREER AND TECHNICAL EDUCATION CERTIFICATE (Section 170.029)

The State Board of Education, in consultation with the Career and Technical Advisory Council, shall develop a statewide plan establishing the minimum requirements for a Career and Technical Education (CTE) Certificate. The statewide plan shall match workforce needs with appropriate educational resources.

Each local school district shall determine the curriculum, programs of study, and course offerings based on student needs and interests and the requirements of the statewide plan.

DESE shall convene work groups from each CTE program area. Such work groups shall develop and recommend performance standards or course competencies. The Department shall develop written model curriculum frameworks for CTE programs, which shall not be subject to certain limits on performance standards provided under existing law, as described in the bill

REDUCED RESTRICTION ON DEALING IN REAL PROPERTY (Section 172.020)

The bill allows The Curators of the University of Missouri to subdivide, sell, or convey title to land located within a university campus.

STUDENT ATHLETE IMAGE COMPENSATION (Section 173.280)

This bill enacts provisions governing the compensation for a student athlete for contracts and agreements entered into, modified or renewed after August 28, 2021.

In its main provisions the bill:

(1) Prohibits public or private institutions of higher education from preventing a student from earning compensation for the student's name, image, likeness rights, or athletic reputation;

(2) Limits these institutions from preventing a student from participating in intercollegiate athletics if the student earns compensation, or from hiring professional representation as outlined in the bill;

(3) Prohibits the postsecondary educational institution from revoking or reducing any grant-in-aid or stipend if a student earns compensation;

(4) Limits a student athlete from entering into any contract for compensation that requires the athlete to display a sponsor's apparel, equipment, beverage, or otherwise advertise for the sponsor during official team activities if it would conflict with the provisions of the athlete's team contract;

(5) Requires a postsecondary educational institution that enters into a commercial agreement that directly or indirectly requires the use of an athlete's name, image, likeness, or athletic reputation to conduct a financial development program, as specified in the bill;

(6) Specifies that an attorney or agent representing an athlete must be licensed in Missouri;

(7) Allows any athlete to bring a civil action for appropriate injunctive relief or actual damages, or both against third parties violating this provision in the county that the violation occurs; and

(8) Specifies that any student shall not be deprived of any protections provided under law with respect to a controversy that arises, and shall have the right to adjudicate claims that arise under this provision.

REMOVING TUITION CAP RESTRICTION (Section 173.1003)

This bill allows community colleges and public universities to exceed the percentage change limitations for tuition currently established in Section 173.1003, after July 1, 2022. The bill requires public institutions that utilize differentiated tuition to notify the DHEWD and to no longer utilize required course fees.

SOUTHEAST MISSOURI STATE UNIVERSITY (Sections 174.281 & 174.453)

This bill designates Southeast Missouri State University (SEMO) as an institution with a statewide mission in visual and performing arts, computer science, and cybersecurity.

The bill modifies provisions relating to the Board of Governors for SEMO as outlined in the bill.

NORTHWEST MISSOURI STATE UNIVERSITY (Sections 174.283 & 174.450)

The bill designates Northwest Missouri State University as an institution with a statewide mission in educator preparation, emergency and disaster management, and profession-based learning.

Currently, public institutions of higher education charged with a statewide mission shall be governed by a board of governors. This bill specifies that Northwest Missouri State University shall continue to be governed by its board of regents.

MISSOURI WESTERN STATE UNIVERSITY (Section 174.453)

Currently, the Board of Governors of Missouri Western State University are five voting members from Buchanan, Platte, Clinton, Andrew, and Dekalb counties with no more than three of the five being from any one county; two voting members selected from any county in the state expect the specified counties; and one nonvoting student member.

This bill changes the requirement to eight appointed members with five voting members selected from any of the following counties: Buchanan, Platte, Clinton, Andrew, and DeKalb and one nonvoting student member.

HARRIS-STOWE STATE UNIVERSITY (Section 174.285)

Harris-Stowe State University can successfully discharge a statewide mission in science, technology, engineering, and mathematics (STEM) for underrepresented and under resourced students.

SS HB 345 -- ARBITRATION AWARDS

This bill provides that any arbitration award for personal injury, bodily injury, or death or any judgment or decree entered on an arbitration award for personal injury, bodily injury, or death shall not be binding or enforceable against insurers, as defined in the bill, unless the insurer has agreed in writing to the arbitration proceeding or agreement. Unless otherwise required by contract, an insurer's election to not participate in arbitration shall not constitute bad faith. These provisions shall not apply to any arbitration awards for personal injury, bodily injury, or death or any judgment or decree entered on an arbitration award for personal injury, bodily injury, or death, arising out of an arbitration agreement preceding the date of injury or loss.

The bill specifies that a person having an unliquidated claim for damages against a tort-feasor may enter into a contract with the tort-feasor if the person's insurer has refused to withdraw a reservation of rights or declined coverage for such unliquidated claim. The bill specifies what happens if there is any action seeking a judgment on a claim against a tort-feasor at the time of the execution of any contract between the two parties, what happens if there is a pending action at the time of the execution of a contract but the action is subsequently dismissed, and what happens if there is no action seeking judgment on a claim at the time of the execution of any contract between the two parties. Any insurer who receives notice under this section will have the unconditional right to intervene in any pending civil action involving the claim for damages within 30 days after receipt of the notice and insurers intervening in a court proceeding where the defendant has contracted to limit his or her liability to specified assets shall have all the same rights as are afforded to defendants. These provisions shall not alter or reduce an intervening insurer's obligations to any insureds other than the tort-feasor, including any co-insureds.

All terms of a covenant not to execute or any terms of any contract to limit recovery to specified assets must be in writing and signed by the parties to the covenant or contract. No unwritten terms of any covenant or contract under this section will be enforceable against any party to the covenant or contract or any other person or entity.

In any action asserting bad faith by the insurer, any agreement between the tort-feasor and the insured will be admissible in evidence. The exercise of any rights under this section will not be construed to be bad faith.

HCS HB 349 -- RELATING TO EMPOWERMENT SCHOLARSHIP ACCOUNTS

This bill creates the "Missouri Empowerment Scholarship Accounts Program" and specifies that any taxpayer may claim a tax credit, not to exceed 50% of the taxpayer's state tax liability, for any qualifying contribution to an educational assistance organization. The cumulative amount of tax credits issued in any one calendar year begins at $50 million and may be adjusted by the state treasurer annually based upon inflation with a maximum cap of $75 million. The State Treasurer shall establish procedures for tax credits to be awarded to an educational assistance organization (EAO)on a first come first served basis, and if an EAO fails to use allocated credits the State Treasurer may reallocate credits to ensure that taxpayers may claim all available credits annually. Taxpayers making contributions may not designate the student that receives a scholarship, and EAO's shall meet certain requirements and provide specified information during an annual audit.

The State Treasurer shall provide a standardized format for a receipt to be issued by the EAO to indicate the value of a contribution received as well as a standardized format for EAOs to report the information. The State Treasurer or State Auditor may conduct an investigation if he or she possesses evidence of fraud committed by the EAO. The EAO may be barred from participating in the program if it is found to have intentionally and substantially failed to comply with certain requirements. In addition, the State Treasurer shall issue a report on the Missouri Empowerment Scholarship Accounts program five years after its effective date.

Each EAO will ensure that grants are distributed in a prioritized order, with students having an approved individualized education plan (IEP) or living in a household whose total annual income meets the income standard for free and reduced price lunches being the first priority. Each EAO shall ensure that student recipients are tested to measure learning gains in math and English, and report these results along with graduation rates, college attendance, and a parental survey as specified in the bill. The state treasurer shall provide this data to the public via a state website after the third year of collection.

A qualified student may receive a grant to be deposited in the student's Missouri Empowerment Scholarship Account if he or she is a resident of Missouri and resides in any county with a charter form of government or any city with at least 30,000 inhabitants, and has an IEP or is a member of a household whose total annual income does not exceed an amount equal to 200% of the income standard used to qualify for free and reduced price lunches and has attended a public school as specified in the bill or is entering Kindergarten or first grade. Missouri Empowerment Scholarship Accounts are renewable on an annual basis. Moneys deposited into the account shall be used for specified services and fees, but may not be payments to any person related within the third degree of consanguinity to the qualified student. If a qualified student withdraws from the program, is disqualified from the program, or graduates, the student's account shall be closed and remaining funds shall be returned to the EAO for redistribution to other qualified students.

Beginning in the 2023-24 school year the bill requires the State Treasurer to conduct or contract for annual audits of empowerment scholarship accounts to ensure compliance.

Any person who is found to have knowingly used moneys granted under the provisions of this bill other than the purposes provided, shall be guilty of a class A misdemeanor.

The bill becomes effective in the fiscal year that the appropriation for pupil transportation under Section 163.161, RSMo, equals or exceeds 40% of the projected amount necessary to fully fund the public transportation state aid. Any year that transportation funding falls below this threshold no new scholarships shall be awarded.

The bill allows school districts for qualified students that receive a scholarship and leave their resident district to continue to be counted for state aid purposes for five years, or until criteria outlined in the bill are met. This provision will end five years after the effective date of the bill.

SCS HCS HB 362 -- GOVERNMENT TRANSPARENCY

(Vetoed by Governor)

GOVERNMENT LENDING TRANSPARENCY (Section 29.420, RSMo)

This bill establishes the "Government Lending Transparency Act".

The bill requires each administering agency to report on all state lending programs and credit support programs to the Auditor. Each administering agency shall report annually to the Auditor before August 31st the total dollar amount of all lending programs administered by the agency as well as the total amount of debt supported by credit support programs administered by the agency. This bill also requires each administered agency to report to the Auditor reasonable estimates of the costs of likely defaults on lending programs and credit support programs administered by the agency, using equivalent private market debts to evaluate the likelihood and costs of defaults when possible. The bill requires the Auditor to make an annual report compiling the data received from the administering agencies and submit the report to the General Assembly annually before December 15th. Intentional or knowing failure to comply with any reporting requirement contained in these provisions shall be punishable by a fine of up to $2,000.

SAFETY REPORTING SYSTEM FOR EMPLOYEES OF CHILDREN'S DIVISION (Section 37.717 and 210.152)

This bill requires the Office of the Child Advocate to create a safety reporting system for employees of the Children's Division to report information regarding the safety of those served by the Division and the safety of the Division's Employees. The bill specifies under what circumstances the identity of the individual who reports to the system shall be confidential.

FEES (Sections 479.162 and 610.026)

Under this bill, a defendant cannot be charged a fee for obtaining a police report, probable cause statement, or any video relevant to a traffic stop or arrest for the purposes of preparing for a proceeding for a municipal ordinance violation or any other proceeding before a municipal court if the charge carries the possibility of 15 days or more in jail or confinement. The defendant can submit a written request for discovery for such record to the prosecutor.

Currently, public governmental bodies are required to provide access to and, upon request, furnish copies of public records, with specified exceptions. This bill states that a request for public records shall be considered withdrawn if the requestor fails to remit all fees within 30 days of a request for payment of the fees by the public governmental body, prior to making the copies. If the same or a substantially similar request for public records is made within six months

after the expiration of the 30 day period, then the public governmental body may request payment of the same fees made for the original request that has expired in addition to any allowable fees necessary to fulfill the subsequent request.

CLOSED RECORDS (Section 610.021)

This bill allows a public governmental body to close records related to security and evacuation procedures, including software or surveillance companies that secure the building, for public governmental property. The bill allows a public governmental body to close records if the records are related to email addresses and telephone numbers submitted to a public governmental body by individuals or entities for the sole purpose of receiving electronic or other communications. This bill also allows a public governmental body to close records of utility usage and bill records for customers of public utilities unless the customer requests them or authorizes their release.

SS HCS HB 369 -- LAND MANAGEMENT

This bill changes the provisions related to land management.

HISTORIC CEMETERIES (Section 253.387, RSMo)

The bill authorizes the Department of Natural Resources to acquire by purchase or gift the Antioch Cemetery in Clinton, Missouri, to be operated and maintained by the Division of State Parks. The cemetery is designated as a state historic site.

The bill requires the Department to allow for burials to continue until all plots have been purchased. The Department can charge no more than $100 per burial to be credited to the newly created "Antioch Cemetery Fund". The Department is not liable for the costs associated with the burial and is not responsible for active burials.

FERAL HOGS (Sections 270.170, 270.180, 270.260, 270.270, and 270.400)

The bill modifies provisions relating to feral swine by remove the phrase "or sheep" from provisions of law relating to certain animals running at large. The bill repeals a definition for "feral hog" and replaces it with a definition for "feral swine".

Any person who recklessly or knowingly releases any swine to live in a wild or feral state may be sentenced to pay a fine up to $2,000. Provisions of law relating to the release of feral swine shall not be construed to criminalize the release of domestic swine into a facility under a Department of Conservation permit or to hinder the ability to transport domestic swine to market or slaughter.

Any person who is previously found guilty of possessing or transporting feral swine through public land and is found guilty of a subsequent violation within 10 years is guilty of a class E felony. Provisions of law relating to the possession or transportation of feral swine shall not apply to the possession of the offspring of domestic swine that are unintentionally sired by feral swine and are reported to the state veterinarian.

Any person who takes or kills a feral swine on public or private land without the consent of the landowner or with the use of an artificial light or thermal imagery is guilty of a class A misdemeanor.

The bill repeals rulemaking authority for the Director of the Department of Agriculture for health standards for certain wild swine and repeals provisions of law creating the Animal Health Fund.

PRIVATE CAMPGROUND LIABILITY PROTECTION (Section 537.328)

This bill prohibits an owner, employee, or officer of a private campground from being liable for acts related to camping at a private campground if the injury or damage occurred as a result of an inherent risk of camping, as described within the bill. This bill does not apply to actions arising under Missouri Workers' Compensation Law. Additionally, this bill does not prevent or limit liability of an owner, employee, or officer who intentionally causes injury, death, or damage, who acts with a willful or wanton disregard for the safety of the person or property damaged, who fails to use the degree of care that an ordinarily careful and prudent person would use under the circumstances, or who fails to conspicuously post warning signs of known dangerous conditions on the property. Warning signs are required to appear in black letters of at least one inch in height on a white background. Warning signs and written contracts entered into by an owner, employee, or officer shall contain a warning notice, as specified in the bill.

LANDOWNER LIABILITY (Section 316.250, 537.346, 537.347, and 537.348)

The bill also specifies that a landowner is not liable for injuries a trespasser receives while on the landowner's residential area, if such area is adjacent to a park or trail and that is how the trespasser entered the owner's property.

Currently, a landowner who invites or permits a person to enter his land for recreational use in compliance with a state-administerd recreational access program does not assume certain liabilities or responsibilities. The bill also extends the limited liability to landowners who invite or permit a person to enter his land for recreational use in compliance with a state-administerd wildlife management program.

The bill also repeals a certain paragraph of landowner liability law that states that nothing in its provisions creates or limits liability that otherwise would be incurred by owners of land for injuries occurring on or in any land within the corporate boundaries of any city, municipality, town, or village in this state.

PRESCRIBED BURNING ACT (Section 537.354)

The bill also creates the "Prescribed Burning Act", which specifies that any landowner or agent of a landowner will not be liable for damage, injury, or loss caused by a prescribed burn, as defined in the bill, or the resulting smoke of a prescribed burn unless the landowner is proven to be negligent. Additionally, no certified burn manager will be liable if the burn is conducted in accordance with a written prescribed burn plan unless the burn manager is found to be negligent.

The provisions of the bill do not apply to damage, injury, or loss to property, lands, rights-of-way, or easements of certain utilities and railroad companies.

ACCESS TO PRIVATE PROPERTY (Section 542.525)

The bill prohibits any employee of a state agency or political subdivision of the state from placing a surveillance camera or game camera on private property without the consent of the landowner or landowner's designee, a search warrant, or permission from the highest ranking law enforcement chief or officer of the agency. If placed with the permission of the highest ranking officer, the camera must be facing a location that is open to public access or use and the camera is within 100 feet of the intended surveillance location.

HCS HB 402 -- LOTTERY WINNERS

This bill prohibits the Lottery Commission, state lottery, any contracted organization, or any of their employees from publishing the name, address, or identifying information of a lottery winner in printed or electronic form for distribution or sale to the public. An individual may permit public disclosure of his or her information by providing written release to the state lottery on a form provided by the state lottery if requested.

This bill contains a penalty provision. Any violation of these provisions is a class A misdemeanor.

SS SCS HCS HB 429 -- CHILD PLACEMENT

This bill relates to child placement.

ADOPTION TAX CREDIT (Sections 135.325-135.335, 135.800, and 191.975 RSMo)

This bill renames and alters the current "Special Needs Adoption Tax Credit Act" to the "Adoption Tax Credit Act".

Currently, any person residing in this state who proceeds in good faith with the adoption of a special needs child who is a resident or ward of a resident of this state is eligible for a $10,000 nonrefundable tax credit for nonrecurring adoption expenses for each child. Additionally, any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a special needs child is eligible to receive a tax credit of up to $10,000 for nonrecurring adoption expenses for each child, except that only one $10,000 credit is available for each special needs child that is adopted.

Beginning January 1, 2022, this bill removes the special needs and residency requirements for adoptions to be eligible for this tax credit. However, priority will be given to applications to claim the tax credit for special needs children who are residents or wards of residents of this state at the time the adoption is initiated. The bill changes the definition of "handicap" to "disability" and modifies the definition of "special needs child". The bill defines a "child" as any individual under 18 years old or over 18 but is physically or mentally incapable of caring for themselves. Beginning with the fiscal year beginning July 1, 2021 this tax credit is capped at $6 million per tax year.

FOSTER CARE EXPENSE TAX DEDUCTION (Section 143.1170)

For all tax years beginning on January 1, 2022, a taxpayer will be allowed a tax deduction for expenses incurred directly by the taxpayer in providing care as a foster parent to one or more children in this state. The amount of the deduction will be equal to the amount of expenses directly incurred by the taxpayer in providing such care. However, if the taxpayer provides care as a foster parent for at least six months during the tax year, the total amount of the deduction claimed under this bill will not exceed $5,000 per taxpayer, or $2,500 per individual if married and filing separately. If the taxpayer provides care as a foster parent for less than six months during the tax year, the maximum deduction limits described will still apply, but the limits will be reduced on a pro rata basis.

The Department of Revenue will collaborate with the Children's Division of the Department of Social Services in order to establish and implement a procedure to verify that a taxpayer claiming the deduction is a foster parent.

Each taxpayer claiming the deduction must file an affidavit with their income tax return. The affidavit will affirm that they are a foster parent and that they are entitled to the deduction in the amount claimed on their tax return.

BIRTH MATCH PROGRAM (Sections 193.075, 210.150, and 210.156)

This bill requires data sharing between the Children's Division within the Department of Social Services and the State Registrar's office to compare birth reports with reports of parents who have been convicted of certain crimes within the previous 10 years or have a termination of parental rights in order to provide services, if needed. The State Registrar shall provide to the Division the birth record information of children born to such individuals. The Division shall then verify the identity of the parent and if that identity is verified, the Division shall provide the appropriate local office with information regarding the birth of the child. Appropriate local Division personnel shall initiate contact with the family, or make a good faith effort to do so, to determine if the parent or family has a need for services and provide such voluntary and time-limited services as appropriate.

The Division shall document the results of such contact and services provided, if any, in the Division's information system. Identifying information and records created and exchanged under this bill shall be closed records and shall only be used as specified in the bill.

CHILD PLACEMENT (Sections 211.447, 453.014, 453.030, 453.040, and 453.070)

Currently, the juvenile officer or the Division must file a petition to terminate parental rights if a court has determined a child to be an abandoned infant and the juvenile officer or the Division has the authority to file a petition to terminate parental rights when a court has

determined than an older child has been abandoned. For the purposes of the mandatory filing of a petition to terminate parental rights, this bill changes abandoned infant to abandoned child and changes the age threshold from one year or under to under two years old. For the purposes of the discretionary filing, the bill changes the age of the abandoned child from over one year to two years of age or older.

Under this bill, the court may make a finding that a child has been abandoned if, for a period of 60 days when the child was under one year of age, the parent willfully, substantially, and continuously neglected to provide the child with necessary care and protection; or, if the child is over one year of age, for a period of six months immediately prior to the filing of the petition for termination of parental rights willfully, substantially, and continuously neglected to provide the child with necessary care and protection. The bill also adds additional felonies to the current list of felonies for which a parent, if guilty and the victim was a child, shall lose parental rights and gives the juvenile officer and the Division the discretion to file a petition to terminate parental rights if a child has been in foster care for 15 months out of the previous 22 months.

Currently, persons who are granted with the authority to place minor children for adoption are required to comply with rules and regulations promulgated by the Department of Social Services and the Department of Health and Senior Services for placement. This bill removes the Department of Health and Senior Services and specifies that such persons are required to comply with the rules and regulations promulgated by the Children's Division within the Department of Social Services.

The bill repeals the requirement that adoption legal fees incurred by the birth parent be paid for by the prospective adoptive parents.

Currently, consent to the adoption of a child is not required by the parent of the child if the child is under the age of one and the parent, for at least six months, has neglected to provide the child with necessary care and protection. This bill changes the age from over one year old to three years of age or older

CHILD CUSTODY (Section 452.375)

This bill allows the court to award custody to a person related by consanguinity to the child when both parents are deemed unfit and the court is determining third party custody priority.

SS SCS HCS HB 430 -- BENEVOLENT TAX CREDITS

This bill modifies provisions relating to benevolent tax credits.

ADOPTION TAX CREDIT (Sections 135.325-135.335, 135.800, and 191.975, RSMo.)

This bill renames and alters the current "Special Needs Adoption Tax Credit Act" to the "Adoption Tax Credit Act".

Currently, any person residing in this state who proceeds in good faith with the adoption of a special needs child who is a resident or ward of a resident of this state is eligible for a $10,000 nonrefundable tax credit for nonrecurring adoption expenses for each child. Additionally, any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a special needs child is eligible to receive a tax credit of up to $10,000 for nonrecurring adoption expenses for each child, except that only one $10,000 credit is available for each special needs child that is adopted.

Beginning January 1, 2022, this bill removes the special needs and residency requirements for adoptions to be eligible for the tax credit. However, priority will be given to applications to claim the tax credit for special needs children who are residents or wards of residents of this state at the time the adoption is initiated. The bill changes the definition of "handicap" to "disability" and modifies the definition of "special needs child". The bill defines a "child" as any individual under 18 years old or over 18 but is physically or mentally incapable of caring for themselves.

Beginning with the fiscal year beginning July 1, 2021 this tax credit is capped at $6 million for a tax year.

DOMESTIC VIOLENCE SHELTER TAX CREDIT (Section 135.550)

Current law authorizes a tax credit for contributions to domestic violence shelters in an amount equal to 50% of the contribution, with the maximum annual amount of tax credits limited to $2 million. This bill increases the tax credit from 50% of the amount contributed to 70% beginning July 1, 2022, and lowers the taxable year that the credit may be carried over from the next four successive to only the successive tax year. The bill removes the $2 million limit on the cumulative amount of tax credits claimed by all taxpayers in a fiscal year beginning July 1, 2022.

This bill defines a "rape crisis center" as a community-based nonprofit rape crisis center in this state that provided 24 hour core services of hospital advocacy and crisis hotline support to survivors of rape and sexual assault. The bill adds to the definition of "shelter for victims of domestic violence" a non profit organization established and operating exclusively for supporting a shelter for victims of domestic violence operated by the state or political subdivision. This bill allows taxpayers to receive tax credits for contributions to such facilities.

MATERNITY HOME TAX CREDIT (Section 135.600)

Current law authorizes a tax credit for contributions to maternity homes in an amount equal to 50% of the contribution, with the maximum annual amount of tax credits limited to $3.5 million. This bill increases the tax credit from 50% of the amount contributed to 70% beginning July 1, 2022, and removes the limit on the cumulative amount of tax credits claimed by all taxpayers in a fiscal year beginning July 1, 2022. The sunset provision is repealed.

SS SCS HS HB 432 -- PROTECTION OF VULNERABLE PERSONS

SECLUSION AND RESTRAINT POLICIES (Section 160.263 RSMo)

This bill defines "restraint" and "seclusion" and requires school districts, charter schools, or publicly contracted private providers to include in policy a prohibition on the use of restraint and seclusion, including "prone restraint" as defined by the bill, for any purpose other then situations or conditions in which there is imminent danger of physical harm to self or others. Any incident requiring restraint or seclusion shall be monitored by school personnel with written observation

The bill requires that before July 1, 2022 each school district, and charter school, or publicly contracted private providers policy shall include:

(1) When to remove a child from restraint, seclusion, or isolation;
(2) Requirement for annual mandatory training;
(3) Reporting requirements for any occurrence of restraint, seclusion or isolation as outlined in the bill, including the reporting requirements for parental notification and providing a copy of each report to the Department of Elementary and Secondary Education (DESE);
(4) Notification requirement for each occurrence of a restraint, seclusion, or isolation incident to parents or guardians within one hour after the end of school on the day the incident occurs; and
(5) Protections for individuals that report or provide information about violations of policy under this section.

POLICY FOR NURSING MOTHERS (Section 160.3005)

This bill requires the Department of Elementary and Secondary Education to develop a model policy, by January 1, 2022 relating to accommodations for breastfeeding. Public school districts must adopt a written policy by July 1, 2022.

The policy must include provisions to provide accommodations to lactating employees, teachers, and students to express, or breast-feed for each public school building within the district for at least a year after the birth of a child. Accommodations must meet requirements as specified in the bill and districts must provide a minimum of three opportunities during a school day to express or breast-feed.

AUDIO RECORDING FOR CERTAIN SCHOOL MEETINGS (Section 162.686)

This bill prevents any public school districts and charter schools from prohibiting a parent or guardian from audio recording any meeting held under the Federal Individuals with Disabilities Education Act (IDEA) or a Section 504 plan meeting (Federal Rehabilitation Act of 1973).

Districts or charter schools may not require parents to provide more than 24 hours notice in order to record said meeting, and no school district employee who reports a violation under this section shall be subject to discharge, retaliation, or any other adverse employment action for reporting.

SHELTERED WORKSHOP WAGES (Section 178.935)

This bill directs the Department of Elementary and Secondary Education (DESE) to permit sheltered workshops to pay disabled persons commensurate wages, defined as wages based on the disabled person's productivity in proportion to the productivity of an experienced non-disabled person in a similar job and that may be lower than the state minimum wage. The sheltered workshop shall provide written assurance to the Department that such wages shall be reviewed and adjusted periodically and no sheltered workshop shall be permitted to reduce the agreed-upon wage rate for a period of two years after approval without prior authorization from the Department.

ALZHEIMER STATE PLAN TASK FORCE (Section 191.116)

This bill establishes the "Alzheimer's State Plan Task Force" in the Department of Health and Senior Services, which shall consist of 21 members as specified in the bill. The Task Force shall assess and maintain a state plan to overcome the challenges of Alzheimer's disease, including assessing the existing services and resources available for persons with Alzheimer's disease and their families and identifying opportunities for Missouri to coordinate with federal entities. The membership of the Task Force shall consist of 21 members including one member of the Missouri House of Representatives appointed by the Speaker and one member of the Senate to be appointed by the Speaker Pro Tem. The Task Force shall deliver a report to the Governor and General Assembly by June 1, 2022, and shall supplement the report annually thereafter. The Task Force shall expire on December 31, 2026.

MODIFIES "JUSTICE FOR SURVIVORS ACT" (Sections 192.2520 and 197.135)

This bill requires the statewide coordinator for the telehealth network for forensic examinations of victims of sexual offenses to regularly consult with Missouri-based stakeholders and clinicians regarding the training programs offered by the network, as well as the implementation and operation of the network. Current law permits the training to be offered online or in person and this bill requires that the training be made available online and permits it to be offered in person. Providers shall not be required to utilize this training, so long as the training utilized by providers is, at a minimum, equivalent to the network's training.

Current law requires licensed hospitals to perform forensic examinations of victims of sexual offenses beginning January 1, 2023. This bill specifies that, such requirement shall only occur beginning January 1, 2023, or no later than 6 months after the establishment of the telehealth network, whichever is later. Finally, no individual hospital shall be required to comply with these provisions unless and until the Department of Health and Senior Services provides such hospital with access to the network for mentoring and training services without charge.

BIRTH MATCH PROGRAM (Sections 193.075, 210.150, and 210.156)

The bill orders data sharing between the Children's Division of the Departments of Social Services and the State Registrar's office to compare birth reports with reports of parents who have been convicted of certain crimes or have a termination of parental rights in order to ensure the safety of the child and provide services, if needed. The State Registrar shall provide to the Division the birth record information of children born to such individuals. The Division shall verify the identity of the parent and if that identity is verified, the Division shall provide the appropriate local office with information regarding the birth of the child. Appropriate local Division personnel shall initiate contact with the family, or make a good faith effort to do so, to determine if the parent or family has a need for services and provide such voluntary and time-limited services as appropriate.

The Division shall document the results of such contact and services provided, if any, in the Division's information system. Identifying information and records created and exchanged under this bill shall be closed records and shall only be used as specified in the bill.

EXTENSION FOR SNAP UTILIZATION (Section 208.018)

This bill extends the expiration on the program that allows the Supplemental Nutrition Assistance Program (SNAP) recipients to utilize local farmers' markets to August 28, 2027.

TRANSITIONAL CHILD CARE (Section 208.053)

This bill modifies an expired law relating to the "Hand-Up" pilot program, which was designed to ensure that certain participating recipients continued to receive child care subsidy benefits while paying a premium when their income surpassed the eligibility level for full benefits to continue. This bill requires the Children's Division, subject to appropriations and by July 1, 2022, to implement a new pilot program in Jackson County, Clay County, and Greene County. The program shall be designed so that applicants may receive transitional child care benefits without first being eligible for full child care benefits, as long as the applicant's income falls within the income limits established through annual appropriations. The Division shall track the number of recipients in the program and the effectiveness of the program in encouraging recipients to secure employment with incomes greater than the maximum for full child care benefits. The report shall be issued to the General Assembly by September 1, 2023, and each September thereafter.

This bill repeals provisions relating to the establishment and utilization of a "Hand-Up Premium Fund" in the State Treasury for premiums collected under the previous pilot program. The provisions of this bill will expire August 28, 2024, unless reauthorized.

ANTIPSYCHOTIC DRUGS (Sections 208.226 and 208.227)

Currently, the MO HealthNet Division within the Department of Social Services cannot impose any restrictions on access to individual atypical antipsychotic monotherapy for the treatment of schizophrenia, bipolar disorder, or psychosis associated with severe depression. This bill prohibits any restrictions on access for any antipsychotic medication. The bill does not prohibit the Division from utilizing clinical edits to ensure clinical best practices. Currently, the Division must issue a provider update at least twice a year to enumerate treatment and utilization principles for MO HealthNet providers. If the Division implements any new policy or clinical edit for an antipsychotic drug, the Division must continue to allow MO HealthNet participants access to any antipsychotic drug that they are using and are stable on or any drug that they have successfully used previously. The Division may recommend a resource list with no restrictions to access of antipsychotic drugs.

This bill removes several provisions from existing statute that:

(1) Allow the Division to include considering cost in the context of best practices in its treatment and utilization principles for providers;
(2) Outline the use of "nonpreferred" drugs; and
(3) Limit available drugs for an individual patient.

FARMERS' MARKET ELIGIBLE FOR WIC (Section 208.285)

The bill allows the Department of Agriculture to apply for a grant under the US Department of Agriculture Women, Infants and Children (WIC) Farmers' Market Nutrition Program to allow pregnant and postpartum women to obtain food at eligible farmers' markets.

FARM TO FOOD BANK PROJECT (Section 208.1060)

This bill requires the Department of Social Services to submit a state plan to the U.S. Department of Agriculture for a "Farm to Food Bank Project" and to contract with any qualified food bank for the purpose of operating the project.

UNACCOMPANIED AND HOMELESS YOUTH (Sections 210.115 and 210.121)

This bill modifies mandated reporting for unaccompanied and homeless youth seeking supportive services so that the youth's status alone is not sufficient basis for reporting child abuse or neglect. The bill defines "supportive services" to include interventions, services, or resources necessary to assist unaccompanied youth, including food and shelter, counseling, case management, and legal services among other services outlined in the bill. The bill allows an unaccompanied youth to access supportive services as long as they are documented by a licensed mental health, counselor, or social worker as provided by the bill. The bill exempts persons who in good faith provided supportive services from civil and criminal action without permission from the youth's parent.

MONTESSORI SCHOOL (Section 210.201)

This bill changes the definition for a "Montessori school" in Section 210.201 as it applies for Sections 210.201 to 210.257 to either an accredited school or a school maintaining an active school membership with a professional society represented by the Montessori Accreditation Council for Teacher Education.

This section contains an emergency clause.

CHILD AND ADULT FOOD PROGRAM (Section 210.251)

This bill prohibits the state from requirements that are stricter than federal regulations for participants in the program for at-risk children through the Child and Adult Food Program, 42 U.S.C. 1766. Child care facilities shall not be required to be licensed child care providers to participate in such federal programs so long as minimum health and safety standards are met and documented.

CHILD CARE FACILITY INSPECTIONS (Section 210.252)

Transfers the responsibility for annual health inspections from the Department of Health and Senior Services to the Department of Elementary and Secondary education for all non exempt child-care facilities with more than six children.

NEWBORN SAFETY INCUBATOR (Section 210.950)

This bill adds a newborn safety incubator, as defined in the bill, as a place a parent of a child up to 45 days old may voluntarily deliver the child with the intent not to return, without being prosecuted. The bill authorizes the Department of Health and Senior Services to promulgate rules relating to the "Safe Place for Newborns Act of 2002".

CHILDREN IN THE CUSTODY OF THE STATE (Section 210.1225)

This bill specifies that, the Children's Division shall take physical custody of a child who is in the legal custody of the Division and who is hospitalized but no longer in need of medical care. If the Division fails to take physical custody of the child, then the Division shall reimburse the hospital at the same rate the hospital would receive per day for an inpatient admission.

Additionally, if the Division requests transportation of a child to an emergency, the hospital to which the child is transported or any subsequent psychiatric hospital to which the child is transferred shall be allowed to administer emergency psychiatric treatment.

MINOR'S RIGHT TO COUNSEL (Section 211.211)

This bill specifies that if a child waives his or her right to counsel, such waiver shall be made in open court and be recorded and in writing. In determining whether a child has knowingly, intelligently, and voluntarily waived his or her right to counsel, the court shall look to the totality of the circumstances, as specified in the bill. If a child waives his or her right to counsel, the waiver shall only apply to that particular proceeding. The bill also specifies certain proceedings in which a child's right to counsel cannot be waived unless the child has had the opportunity to meaningfully consult with counsel and the court has conducted a hearing on the record.

FOOD SECURITY TASK FORCE (Section 261.450)

This bill establishes the "Missouri Food Security Task Force", to be comprised of 25 members as set forth in the bill, with two members from the House of Representatives with one to be appointed by the Speaker of the House and one by the minority floor leader, two members from the Senate with one appointed by the President Pro tempore of the Senate and one by the minority floor leader of the Senate. The Task Force shall report a summary of its activities and recommendations to the Governor and the General Assembly before August 28th of each year, and shall terminate on December 31, 2023, or may be extended until December 31, 2025, as determined necessary by the Department of Agriculture.

WORK LEAVE FOR DOMESTIC OR SEXUAL VIOLENCE (Sections 285.625 and 285.670)

This bill specifies that, any person employed by a public or private employer with at least 20 employees is entitled to unpaid leave if the person, or a family or household member, is a victim of domestic or sexual violence. Permissible reasons for taking leave include seeking medical attention, recovering from injury, obtaining victim services, obtaining counseling, participating in safety planning, and seeking legal assistance. Such leave shall be limited to 2 weeks of leave per year if the employer employs at least 50 employees and 1one week per year if the employer employs at least 20 but not more than 49 employees. Employees are required to give 48 hours notice of the intent to take leave and may be required to provide certification to the employer that the leave is necessary.

On return from leave, employees shall be restored to the same or equivalent employment position and shall not lose accrued benefits. Employers are required to maintain health coverage for the employee while on leave but the premium may be recovered if the employee does not return.

Employers are required to post and keep posted a notice summarizing the requirements of this bill, which shall be prepared by the Director of the Department of Labor and Industrial Relations.

HEALTH BENEFIT COVERAGE FOR HEARING AIDS FOR CHILDREN (Section 376.1228)

This bill requires health benefit plans delivered, issued, continued, or renewed on or after January 1, 2022, to cover at least those services for children under eighteen years of age for hearing aids which are covered for persons receiving benefits under MO HealthNet.

MENTAL HEALTH BENEFITS (Section 376.1551)

This bill requires that each health carrier that issues health benefit plans on or after January 1, 2022, and that provide coverage for a mental health condition shall meet the requirements of the Mental Health Parity and Addiction Equity Act of 2008.

These provisions do not apply to specified supplemental policies.

STEP THERAPY (Section 376.2034)

Modifies step therapy override exception determinations to allow for a patient's treating health care provider to attest to necessity of a prescription drug.

CHILD CUSTODY (Section 452.410)

This provision modifies current law relating to the modification of a prior child custody decree by changing and adding intersectional references to current statutory provisions relating to child custody, visitation, and grandparent visitation.

REGISTERED SEX OFFENDERS (Section 566.150)

This bill adds athletic complexes and fields used for children's recreation and the Department of Conservation nature or education centers to the list of properties that a registered offender may not be within 500 feet of, unless the registered sex offender is the parent of a child participating in an educational program of the Department of Conservation and has permission to be on the property.

COMMISSION ON AUTISM SPECTRUM DISORDER (Section 633.200)

The bill defines "austism spectrum disorder" to be defined by the current Diagnostic and Statistical Manual of Mental Disorders. This language removes language establishing a now defunct commission and creates the "Missouri Commission on Autism Spectrum Disorders" to be housed in the Department of Mental Health. This Commission will meet four times a year and will produce an "Autism Roadmap for Missouri". The Autism Roadmap will include; outlined goals including a review of services, identification of needs, and recommendations for improvements. The Commission will be comprised of 25 members as outlined in the bill. The Commission will work in four phases as outlined in the bill and submit a report to the Director of the Department of Mental Health and the Governor upon completion of each phrase. The first phrase shall commence on January 1, 2022 and be completed by December 31st of the same year.

HB 476 -- PROFESSIONAL REGISTRATION

This bill relates to professional registration.

PESTICIDE CERTIFICATION AND TRAINING (Sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037,281.038, 281.040, 281.045, 281.048, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101, RSMo)

The bill modifies provisions relating to pesticide certification and training.

This bill repeals a provision allowing the Director of the Department of Agriculture to provide by regulation for the one-time emergency purchase and use of a restricted use pesticide by a private applicator. The Director may, by regulation, classify licenses, including a license for noncertified restricted use pesticide applicators.

No individual shall engage in the business of supervising the determination of the need for the use of any pesticide on the lands of another without a certified commercial applicator's license issued by the Director. No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of any restricted pesticide on the land of another unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified commercial applicator in which case the certified commercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified commercial applicator's direct supervision.

No certified noncommercial applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified noncommercial applicator or the certified noncommercial applicator's employer unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified noncommercial applicator in which case the certified noncommercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified noncommercial applicator's direct supervision.

No pesticide technician shall use or determine the need for the use of any pesticide unless there is a certified commercial applicator, certified in categories as specified by regulation, working from the same physical location as the licensed pesticide technician. A pesticide technician may complete retraining requirements and renew the technician's license without a certified commercial applicator working from the same physical location.

No certified private applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified private applicator or the certified applicator's employer unless such individual is licensed as a certified private applicator or a certified provisional applicator.

A private applicator shall qualify for a certified private applicator's license or a certified provisional applicator's license by attending an approved program, completing an approved certification course, or passing a certification examination as listed in the bill.

The University of Missouri Extension may collect reasonable fees for training and study materials, for attendance of a certification training program, and for an online certification training program. Such fees shall be assessed based on the majority decision of a review committee convened every five years by the Director. The committee shall be composed of members as specified in the bill.

A certified private applicator holding a valid license may renew their license for five years upon successful completion of recertification training or by passing the required private applicator certification examination.

On the date of the certified provisional private applicator's 18th birthday, his or her license will automatically be converted to a certified private applicator license reflecting the original expiration date from issuance. A certified provisional private applicator's license shall expire five years from date of issuance and may then be renewed as a certified private applicator's license without charge or additional fee.

A provision allowing a private applicator to apply for a permit for the one-time emergency purchase and use of restricted use pesticides is repealed.

No certified public operator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified public operator in which case the certified public operator shall be liable for any use of a restricted used pesticide by an individual operating under the certified public operator's direct supervision.

Any person who volunteers to work for a public agency may use general use pesticides without a license under the supervision of the public agency on lands owned or managed by the state agency, political subdivision, or governmental agency.

An application for a noncertified restricted use pesticide applicator's license shall follow requirements as set forth in the bill and once licensed, a restricted use pesticide applicator shall use pesticides as set forth in the bill, including when under supervision of another individual licensed by the Department of Agriculture.

Each pesticide dealership location or outlet from which restricted use pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to the end user shall have at least one individual licensed as a pesticide dealer. No individual shall be issued more than one pesticide dealer license. Each mobile salesperson possessing restricted use pesticides for distribution or sale shall be licensed as a pesticide dealer.

The bill requires each applicant for a pesticide dealer's license to pass a pesticide dealer examination provided by the Director.

Licensed certified applicators, licensed noncertified restricted use pesticide applicators, licensed pesticide technicians, and licensed pesticide dealers shall notify the Department within 10 days of any conviction of or plea to any offense listed in the bill.

The Director may issue a pesticide applicator certification on a reciprocal basis with other states without examination to a nonresident who is licensed as a certified applicator in accordance with the reciprocating state's requirements and is a resident of the reciprocating state.

The bill repeals a provision stating that a nonresident applying for certain pesticide licenses to operate in Missouri shall designate the Secretary of State as the agent of such nonresident upon whom process may be served unless the nonresident has designated a Missouri resident agent.

The bill prohibits any person to use or supervise the use of pesticides that are canceled or suspended. It is unlawful for any person not holding a valid certified applicator license in proper certification categories or a valid pesticide dealer license to purchase or acquire restricted use pesticides. Additionally, it is unlawful for any person to steal or attempt to steal pesticide certification examinations or examination materials, cheat on pesticide certification examinations, evade completion of recertification or retraining requirements, or aid and abet any person in an attempt to steal examinations or examination materials, cheat on examinations, or evade recertification or retraining requirements.

These provisions have an effective of January 1, 2024.

MILITARY OCCUPATIONAL SPECIALTY (Section 324.009)

This bill includes a Military Occupational Specialty as a type of licensure when applying for licensure in Missouri in the same occupation under Missouri's Reciprocity Laws.

DENIAL OF LICENSURE (Section 324.012)

Currently, an individual with a criminal record may petition a licensing authority for a determination of whether the criminal record will disqualify the individual from obtaining a professional license. This bill requires licensing authorities to notify the petitioner in writing of the grounds and reasons if the authority determines that the petitioner is disqualified. This bill also removes an exemption for certain licensing authorities listed in current law from the petition requirements. This bill also removes a provision in current law requiring licensing authorities to only list criminal convictions directly related to the licensed occupation for purposes of the Fresh Start Act of 2020.

OCCUPATIONAL THERAPY LICENSURE COMPACT (Section 324.087)

This bill adopts the Occupational Therapy Licensure Compact.

The Compact allows eligible occupational therapists and occupational therapy assistants licensed in member states to practice in other member states, subject to the requirements and limitations described in the Compact.

The Compact establishes procedures for a licensee to apply for a new home state license in a member state of primary residence based on their licensure in another member state. Active-duty military personnel and their spouses shall retain home state licensure during the period of active duty service without having to maintain residency.

Under the Compact, only a home state may take adverse action on the home state license, while remote member states may take adverse action against the licensee's privilege to practice in the remote state. The Compact provides procedures for how member states shall coordinate in various aspects of adverse actions and investigations.

The Compact establishes the Occupational Therapy Compact Commission as a joint public agency to implement and administer the Compact. The Commission may collect an annual assessment on member states or impose fees on other parties to cover its costs.

The Compact creates qualified immunity from suit and liability for agents of the Commission for negligent misconduct within the scope of the agents' work with the Commission. Such agents shall also be entitled to representation and indemnity in civil actions for such misconduct.

Under the Compact, the Commission shall develop a data system containing information on all licensees related to licensure, adverse actions, and investigations. Member states shall report certain information, as described in the Compact, to the Commission for use in the data system.

Legislatures of member states may reject any rule promulgated by the Commission by a majority of such legislatures enacting a statute or resolution.

The Compact provides procedures for oversight, dispute resolution, and enforcement of the Compact, including procedures for default and termination of membership. The Commission may also sue a member state in federal court to enforce compliance with the Compact, its rules, and its bylaws.

The Compact shall become effective upon its enactment in at least 10 states.

The Compact supersedes all other laws that conflict with provisions of the Compact to the extent of the conflict.

DIETITIANS (Sections 324.200 and 324.206)

This bill allows a person credentialed in the field of nutrition to provide advice, counseling, or evaluations in matters of food, diet, or nutrition to the extent such acts are within the scope of practice listed by the credentialing body and do not constitute medical nutrition therapy, as long as the person does not hold himself or herself out as a dietitian. Such individuals are required to provide certain specified information to their clients. The bill also changes the definition of "medical nutrition therapy".

ARCHITECTS, PROFESSIONAL ENGINEERS, AND LANDSCAPE ARCHITECTS (Sections 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, and 327.612)

Current law specifies that the practice of an architect in Missouri as any person who renders or represents himself or herself as willing or able to render service or creative work which requires architectural education, training, and experience. This bill instead sets forth the practice of architecture as rendering or offering to render services in connection with the design and construction of public and private buildings, structures, shelters, and site improvements which have as their principal purpose human occupancy or habitation. Only a person with the required architectural education, practical training, relevant work experience, and licensure may practice as an architect in Missouri.

Currently, the law allows certain people to perform specified architectural work without a license. The bill allows an exception for people who render architectural services in connection with buildings used exclusively for agricultural purposes.

This bill also removes the exception for people who work on privately-owned commercial buildings that contain less than 10 people, or people who work on privately-owned buildings of less than 2,000 square feet, and instead allows the exception only for people who work on any one building that contains less than 10 people, contains less than 2,000 square feet, and is not part of another building. Currently the law requires a person who applies for licensure as an architect to hold a certified Intern Development Program record with the National Council of Architectural Registration Boards. The bill allows a person to apply if he or she holds a certified Architectural Experience Program record.

Currently the law allows certain people to perform specified professional engineering work without a license. The bill allows an exception for people who render professional engineering services in connection with buildings used exclusively for agricultural purposes. The bill also allows an exception for persons who work on a privately-owned:

(1) Dwelling house;
(2) Multiple-family dwelling house containing no more than two families;
(3) Single building that contains less than 10 people, contains less than 2,000 square feet, and is not part of another building; and
(4) Multiple-family dwelling house containing three or four families, as long as the work does not affect safety features of the building.

This bill clarifies that an applicant for an engineer-intern or a professional engineer can take the engineering exam before having acquired at least four years of satisfactory engineering experience. The bill removes a provision requiring a professional engineer to be licensed within four years of being eligible for licensure.

The bill removes a provision requiring an applicant as a landscape architect to be 21 years old. This bill allows an applicant as a landscape architect to possess education that equals or exceeds the education received by a graduate of an accredited school in lieu of having a degree from an accredited school. The bill adds a requirement that an applicant pass all sections of the landscape architectural registration examination from the Council of Landscape Architectural Registration Boards.

PSYCHOLOGISTS (Sections 337.068)

Currently, if the State Committee of Psychologists finds merit to a complaint made by a prisoner under the care and control of the Department of Corrections or who has been ordered to be taken into custody, detained, or held as a sexually violent predator, and takes further investigative action, no documentation may appear on file nor may any disciplinary action be taken in regards to the licensee's license unless there are grounds for

the denial, revocation, or suspension of a license. This bill includes complaints made by individuals who have been ordered to be evaluated in a criminal proceeding involving mental illness.

This bill specifies that a psychologist subject to the complaint by an individual who has been ordered to be evaluated in a criminal proceeding involving mental illness prior to August 28, 2021, may submit a written request to destroy all documentation regarding the complaint, and notify any other licensing board in another state, or any national registry who had been notified of the complaint, that the Committee found the complaint to be unsubstantiated.

HIV POSTEXPOSURE PROPHYLAXIS (Sections 338.010 and 338.730)

Allows a pharmacist to dispense medication for HIV post exposure prophylaxis if dispensed following a written protocol authorized by a licensed physician.

RX CARES FOR MISSOURI PROGRAM (Section 338.710)

This bill extends the RX Cares for Missouri Program until 2026.

REAL ESTATE BROKERS (Sections 339.100 and 339.150)

The bill allows a real estate broker to pay compensation directly to a business entity, as defined in the bill, owned by a licensed real estate salesperson or broker-salesperson formed for the purpose of receiving compensation earned by such licensee.

The business entity shall not be required to be licensed and may be co-owned by an unlicensed spouse, a licensed spouse associated with the same broker as the licensee, or one or more other licensees associated with the same broker as the licensee.

Under this bill, the Missouri Real Estate Commission may cause a complaint to be filed with the Administrative Hearing Commission against any licensed or previously licensed real estate broker, salesperson, broker-salesperson, appraiser, or appraisal manager for advertisements or solicitations which include a name or team name that uses the terms "realty", "brokerage", "company", or any other terms that can be construed to advertise a real estate company other than the licensee or a licensed business entity with whom the licensee is associated. The Commission may consider the context of the advertisement or solicitation when determining whether there has been a violation of this bill.

SS HCS HBs 557 & 560 -- PROTECTION OF CHILDREN

This bill establishes the "Residential Care Facility notification Act" which creates a process by which an "exempt-from-licensure residential care facility", as defined in the bill, is required to notify the Department of Social Services (DSS) of their existence and compliance with provisions that protect the safety of the children in residence. These include: fire and safety inspections, local health department inspections, background checks, medical records for all residents, and information about schools serving the children.

The bill requires residential care facilities to allow parents or guardians of children in the facility access to their children without giving prior notice to the facility and requires residential care facilities to provide adequate food, clothing, shelter, medical, and other care necessary to provide for the physical and mental health of the children in their care.

This bill requires certain specified individuals employed by or associated with licensed residential care facilities, child placing agencies, or residential care facilities subject to the notification requirements established in the bill to submit fingerprints and any other information required by DSS to complete background checks. The bill outlines the process for DSS to provide such background checks. Fingerprints submitted for a background check under these provisions are valid for 5 years and DSS will provide results to the applicant and to the facility or agency. The bill outlines what will make an applicant ineligible and provides applicants the right to appeal. The bill further details that failure to complete a background check may result in a class B misdemeanor.

If a residential care facility provides supervision, care, lodging or maintenance for children without first meeting the notification requirements of the bill; fails to satisfactorily comply with all fire safety, health, and sanitation inspections; fails to comply with the background check requirements of this bill; or there is an immediate health or safety concern for the children at the residential care facility, DSS, the prosecuting or circuit attorney, or the attorney general can seek injunctive relief to cease the operation of that residential care facility and provide for the appropriate removal of the children or refer the matter to the juvenile officer for a proceeding under Chapter 211, RSMo.

However, the bill specifies that it does not give any governmental agency the authority to regulate any religious program, curriculum, or ministry of a school or of a facility sponsored by a church or religious organization.

When there are allegations of abuse or neglect in an exempt-from-licensure residential facility, this bill allows Children's Division, law enforcement, or the prosecuting or circuit attorney to petition a court for an order directing the facility to present the child, at a specific time and place, to a Children's Division worker so that Children's Division may assess the health, safety, and well-being of the child. Under the provisions of the bill, the court shall only enter such an order if it determines that there is reasonable cause to believe the child has been abused or neglected and the facility refused to provide access to the child, the assessment by a Children's Division worker is necessary to complete the investigation or to collect evidence, and granting the order would be in the best interest of the child.

The bill allows such orders and petitions to be made on an ex parte basis if providing notice might place the child at risk for further abuse or neglect, cause the child to be removed from the state or jurisdiction of the

court, or cause evidence relevant to the investigation to become unavailable. However, any person who is served with a subpoena, petition, or order under this bill may file a motion for a protective order and the court shall expedite a hearing on the motion and issue its decision no later than one business day after the date the motion is filed. The court can stay the implementation of the order once for up to three days.

The bill includes an emergency clause for immediate implementation to protect children.

SS HCS HB 574 -- AGRICULTURAL FACILITIES

This bill specifies that the Missouri Department of Agriculture, Department of Natural Resources, the United States Department of Agriculture, the county sheriff and any other federal or Missouri state agency with statutory or regulatory authority have exclusive authority to inspect the grounds or facilities in Missouri used for the production of eggs, milk or other dairy products, or raising of livestock. Unless requested by the owner of the facility, no other entity may inspect the grounds or facilities to enforce or carry out the laws or administrative rules of the state or that of another state.

The provisions of this bill do not apply to inspections in a charter county, except St. Charles County, or the cities of St. Louis or Kansas City, on any further processing component of a production agriculture farm, or on any searches carried out under the Department of Conservation's regulations.

No testimony or evidence offered regarding conditions or events at the described facilities by anyone other than those authorized may be admissible in any criminal prosecution unless the testimony is offered by someone who is authorized by the owner to be present at the facility or grounds, a person who entered pursuant to a valid search warrant, or a person who observed the condition or event from public land or private land owned or rented by such person.

SCS HB 604 -- INSURANCE

This bill modifies provisions related to insurance.

LONG-TERM CARE INSURANCE (Sections 135.096 and 376.1109, RSMo)

Beginning December 31, 2020, the bill allows a resident individual to deduct from their Missouri taxable income an amount equal to 100% of all nonreimbursed amounts paid by such individual for long-term care insurance. The definition of qualified long-term care insurance is expanded to include insurance policies that are considered an asset or resource for purposes of eligibility for purposes of eligibility for long-term care benefits under MO HealthNet.

No long-term care insurance policy shall increase premium rates, in excess of the amount that is actuarially justified based on credible experience, and on the rate basis in effect in this state without recognition of rates that may be in effect in other states.

WORKERS' COMPENSATION BENEFITS (Sections 287.170 and 287.180)

This bill requires temporary, total and partial disability payments to be made to a claimant by check, other negotiable instrument, or by electronic transfer or other manner authorized by the claimant.

SECOND INJURY FUND SURCHARGE (Section 287.715)

Currently, the Second Injury Fund receives funds from an annual surcharge of up to 3% on employers' workers' compensation premiums and an annual supplemental surcharge of up to 3% for calendar years 2014 to 2021. This bill extends the supplemental surcharge sunset from 2021 to 2022. For calendar year 2023 the Director of the Division of Workers' Compensation shall collect a supplemental surcharge not to exceed 2.5% of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year rounded up to the nearest one-half of a percentage point and then it will expire December 31, 2023.

CERTIFICATES OF SELF-INSURANCE (Section 303.220)

This bill allows any religious denomination that discourages its members from purchasing insurance as being contrary to its religious tenets but has more than 25 members with motor vehicles, to qualify as a self-insurer by obtaining a self-insurance certificate issued by the Director of the Department of Revenue.

Currently, a religious denomination can only qualify if it prohibits its members from purchasing insurance of any form.

PETROLEUM STORAGE TANK INSURANCE FUND (Section 319.131)

Currently, the Petroleum Storage Tank Insurance Fund assumes costs of 3rd-party claims and cleanup of contamination caused by releases from petroleum storage tanks and pays legal defense costs for eligible 3rd-party claims. This bill specifies that the legal defense costs are separate from other coverage limits and allows the Fund to set a limit for such coverage.

CONTINUING EDUCATION CREDITS FOR INSURANCE PRODUCERS (Section 375.029)

This bill allows an insurance producer to receive up to four hours of continuing education credit per biennial reporting period for participation as an individual member or employee of a business entity producer member of a local, regional, state, or national professional insurance association with approval by the Director of the Department of Commerce and Insurance.

An insurance producer shall not use continuing education credit granted under this section to satisfy continuing education hours required to be completed in a classroom or classroom-equivalent setting, or to satisfy any continuing education ethics requirements.

CREDIT FOR REINSURANCE AS AN ASSET OR REDUCTION FROM LIABILITY OF AN INSURER (Section 375.246)

The bill authorizes the Director of the Department of Commerce and Insurance to promulgate certain rules, as specified in the bill, to establish requirements relating to or setting forth the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance agreements described in the bill, or the circumstances under which credit will be reduced or eliminated.

In addition to as currently provided by law, credit for reinsurance shall be allowed when the reinsurance is ceded to an assuming insurer meeting certain conditions. The assuming insurer shall have its head office or be domiciled in, as applicable, and licensed in a reciprocal jurisdiction, as such term is defined in the bill. The assuming insurer shall have and maintain minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction in an amount to be set forth by the Director by rule. If the assuming insurer is an association, it shall maintain the same, net of liabilities, and a central fund containing an amount to be set forth by rule. The assuming insurer shall have and maintain a minimum solvency or capital ratio, as applicable, which shall be set forth by rule. If the assuming insurer is an association, it shall have and maintain a minimum solvency and capital ratio in the reciprocal jurisdiction where the insurer has its head office or is domiciled, as applicable, and is also licensed. The assuming insurer shall agree and provide adequate assurance to the Director that it will provide prompt written notice and explanation to the Director if it falls below minimum capital and surplus requirements outlined in the bill, or if any regulatory action is taken against it for serious noncompliance with the law. The assuming insurer shall consent in writing to the jurisdiction of the courts of this state and to the appointment of the Director as agent for service of process. The Director may require that the consent for service of process be provided for and included in each reinsurance agreement. These provisions shall not alter the capacity of the parties to a reinsurance agreement to agree to enforceable alternative dispute resolution mechanisms. The assuming insurer shall consent in writing to pay all final judgments obtained by a ceding insurer or its legal successor, where enforcement is sought, which have been declared enforceable in the jurisdiction where the judgment was obtained. Each reinsurance agreement shall require the assuming insurer to provide security, in an amount equal to 100% of the assuming insurer's liabilities attributable to reinsurance under the agreement, if the assuming insurer resists enforcement of an enforceable final judgment or arbitration award. The assuming insurer shall confirm that it is not presently participating in any solvent scheme of arrangement involving this state's ceding insurers, and shall agree to notify the ceding insurer and the Director and to provide security as specified by rule in an amount equal to 100% of the assuming insurer's liabilities to the ceding insurer should the assuming insurer enter into such a solvent scheme of arrangement. The assuming insurer or its legal successor shall provide, if requested by the Director, certain documentation as specified by rule. The assuming insurer shall maintain a practice of prompt payment of claims under reinsurance agreements as specified by rule. The assuming insurer's supervisory authority shall confirm to the Director on an annual basis that the assuming insurer complies with the minimum capital and surplus or solvency or capital ratio requirements specified in this bill. Nothing in these provisions precludes an assuming insurer from providing the Director with information on a voluntary basis.

This bill requires the Director to create and publish a list of reciprocal jurisdictions. The Director's list shall contain any jurisdiction meeting the definitions provided in the bill and shall consider any other reciprocal jurisdiction included on the list published by the National Association of Insurance Commissioners (NAIC). The Director may approve additional jurisdictions under rules promulgated by the Director. The Director may remove a jurisdiction from the list upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction, except that the Director shall not remove a non-United States jurisdiction that is subject to a covered agreement, as defined in the bill, or a United States jurisdiction that meets the requirements for NAIC accreditation.

The Director shall create and publish a list of assuming insurers that have satisfied the conditions set forth in this bill and to which cessions shall be granted credit as specified in the bill. The Director may add an assuming insurer to the list if an NAIC accredited jurisdiction has added the assuming insurer to such a list, or if the eligible assuming insurer submits certain information to the Director, as provided in the bill, and complies with any additional requirements the Director may adopt that are not in conflict with an applicable covered agreement.

If the Director determines an assuming insurer no longer meets one or more requirements for recognition under the bill, the Director may revoke or suspend the insurer's eligibility for recognition in accordance with the bill. While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended, or renewed after the date of suspension shall qualify for credit, except to the extent that the assuming insurer's obligations are secured as provided by law. If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of revocation with respect to any reinsurance agreement entered into by the insurer, before or after the revocation, except to the extent the insurer's obligations are secured as provided by law.

If subject to a legal process of rehabilitation, liquidation, or conservation, as applicable, the ceding insurer or its representative may seek a court order requiring that the assuming insurer post security for all outstanding liabilities.

Nothing in this bill shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree on requirements for security or other terms in that reinsurance agreement, except as expressly prohibited by law.

Credit may be taken under this bill only for reinsurance agreements entered into, amended, or renewed on or after December 31, 2021, and only with respect to losses incurred and reserves reported on or after the later of: the date on which the assuming insurer has met applicable eligibility requirements, or the effective date of the new reinsurance agreement, amendment, or renewal. Nothing in this bill shall alter or impair a ceding insurer's right to take credit for reinsurance under the bill as long as the reinsurance qualifies for credit under another applicable provision of law. Nothing in this bill shall limit or in any way alter the capacity of parties to any reinsurance agreement to renegotiate the agreement.

The bill authorizes the Director to adopt rules and regulations applicable to reinsurance agreements relating to certain life insurance policies, variable annuities with guaranteed benefits, long-term care insurance policies, and such other life and health insurance and annuity products as to which the NAIC adopts model rules with respect to credit for reinsurance. A rule adopted under these provisions regarding life insurance policies may apply to any treaty containing policies issued on or after January 1, 2015, or policies issued prior to January 1, 2015, if risk pertaining to such pre-2015 policies is ceded in connection with a treaty on or after January 1, 2015. A rule adopted under these provisions may require the ceding insurer, in calculating the amounts or forms of security required to be held, to use the NAIC valuation manual to the extent applicable. Regulations adopted under this authority shall not apply to an assuming insurer that: meets the conditions set forth in this bill or, if this state has not fully implemented the provisions of this bill, is operating in at least five states that have implemented the provisions of this bill; is certified in this state; or maintains at least $250 million in capital and surplus as specified in the bill and is licensed in at least 26 states, or licensed in at least 10 states and licensed or accredited in at least 35 states. The authority to adopt regulations under these provisions does not limit the Director's authority to otherwise adopt regulations relating to credit for reinsurance.

MENTAL HEALTH INSURANCE COVERAGE (Section 376.1551)

This bill requires that each health carrier that issues health benefit plans on or after January 1, 2022, and that provide coverage for a mental health condition shall meet the requirements of the Mental Health Parity and Addiction Equity Act of 2008.

These provisions do not apply to specified supplemental policies.

ISSUANCE OF FUNDING AGREEMENTS (Section 376.2080)

This bill specifies that life insurance companies may issue funding agreements, defined in the bill as an agreement for an insurer to accept and accumulate funds and to make one or more payments at future dates in amounts not based on mortality or morbidity contingencies of the person to whom the funding agreement is issued. Funding agreements shall not be deemed to constitute a security. The issuance of a funding agreement shall be deemed to be doing insurance business.

EXPLANATIONS OF REFUSAL TO WRITE AUTOMOBILE INSURANCE (Section 379.120)

Currently, if any insurer refuses to write a policy of automobile insurance, the insurer must send to the applicant a written explanation of the refusal which clearly states the reason for the refusal and that the applicant may be eligible for coverage through the assigned risk plan if other insurance is not available.

This bill exempts insurers from these requirements if the applicant is written on a policy of insurance issued by an affiliate or subsidiary insurer within the same insurance holding company system.

PROPERTY INSURANCE (Sections 379.140, 379.145, 379.150, and 379.160)

Currently, an insurer must pay a claim for any total loss or damage by a fire in the full amount for which the property was insured. This bill modifies it to any peril covered under the policy for real property less any deductible with certain exclusions as outlined in the bill.

Any fire insurance policy issued or renewed after August 28, 2021 will cover partial losses caused by fire to be adjusted by settling the loss at the actual cash value or to repair, rebuild or replace the property destroyed or damaged with other of like kind or quality within a reasonable time. Notice shall be given within 30 days or after the receipt of the proof of loss herein required.

GROUP PERSONAL LINES PROPERTY AND CASUALTY INSURANCE (Sections 379.1800 to 379.1824)

The bill specifies that no policy of group personal lines property and casualty insurance shall be issued or delivered in the state unless it conforms to one of the categories described in the bill.

The bill describes policies issued to an employer or trustees of a fund established by an employer; policies issued to a labor union or similar employee organization; policies issued to a trust, or trustees of a fund, established by two or more employers or by one or more labor unions or similar employee organizations or by a combination thereof; and policies issued to an association or to a trust, or trustees of a fund, established for the benefit of members of one or more associations. For each, the bill specifies persons' eligibility for coverage under the policies and the sources of funds from which the policy premiums may be paid. For policies issued for the benefit of an association or associations, the bill further requires that the association or associations have at the outset at least 100 members, have been organized and maintained in good faith for purposes other than obtaining insurance, and have been in active existence for at least one year. The association's constitution and bylaws shall require that the association shall meet at least annually to further the purposes of the members, shall collect dues or solicit member contributions, and shall provide members with voting privileges and representation on the governing board and committees.

Lastly, if compensation of any kind will be paid to the policyholder in connection with a group policy issued for the benefit of an association or associations, the insurer shall notify prospective insureds as required in the bill.

Group personal lines property and casualty insurance issued to a group other than one described above shall meet additional requirements. No such policy shall be issued or delivered in this state unless the Director of the Department of Commerce and Insurance finds that the issuance of the group policy is not contrary to the best interest of the public, would result in economies of acquisition or administration, and that the benefits are reasonable in relation to the premiums charged. No policy issued or delivered in another state shall offer coverage in this state unless the Director, or another state with comparable requirements, determines these additional requirements have been met. Premiums for these plans shall be paid from funds that are contributed by the policyholder, by covered persons, or by both. If compensation is to be paid to the policyholder in connection with the group policy, the insurer shall notify prospective insureds as specified in the bill.

For all group personal lines property and casualty insurance, master policies shall be issued to the policyholders, and eligible employees or members insured under a master policy shall be issued certificates of coverage setting forth a statement as to the insurance protection to which they are entitled. No master policy or certificate of insurance, nor any subsequent amendments to the policy forms, shall be issued or delivered in this state unless the forms and any amendments thereto have met the applicable filing requirements of this state. The master policy shall set forth coverages, exclusions, and conditions of the insurance provided, together with the terms and conditions of the agreement between the policyholder and insurer, as provided in the bill. If the master policy provides for remittance of premiums by the policyholder, failure by the policyholder to remit premiums timely paid by an employee or member shall not be considered nonpayment of premium by the employee or member.

The master policy shall provide a basic package of coverages and limits that are available to all eligible employees or members, including at least the minimum coverages and limits required in the employee's or member's state of residence or in the state where the subject property is located, and may offer additional coverages or limits to qualified employees or members for an increased premium. The master policy shall provide coverage for all eligible employees or members who elect coverage during their initial period of eligibility, which may be up to 31 days. Employees or members who do not elect coverage during the initial period and later request coverage shall be subject to the insurer's underwriting standards. Coverage under a master policy may be reduced only as to all members of a class, and shall never be reduced to a level below the limits required by applicable law. Coverage under the master policy may be terminated as to an employee or member only for reasons specified in the bill. If optional coverages or limits are required by law to be available, the policyholder's acceptance or rejection of them on behalf of the group shall be binding on the employees or members. If the policyholder rejects any coverages or limits that are required by law to be provided unless rejected by the named insured, notice of the rejection shall be given to the employees or members upon or before delivery of their certificates of coverage. The bill prohibits the stacking of coverages or limits under a master policy, except that state law shall apply with regard to the stacking of coverages for separate certificates of coverage issued to relatives living in the same household.

No master policy or certificate of insurance shall be issued or delivered in this state unless the rating plan and amendments thereto have met applicable filing requirements of this state. Group insurance premium rates shall not be deemed to be unfairly discriminatory if adjusted to reflect past and prospective loss experience or group expense factors, or if averaged broadly among persons covered under the master policy. The rates likewise shall not be deemed unfairly discriminatory if they do not reflect individual rating factors including surcharges and discounts required for individual personal lines property and casualty policies. Experience refunds or dividends may be paid to the policyholder of a group personal lines property and casualty policy if justified by the insurer's experience under that policy. However, if an experience refund or dividend is paid, it shall be applied for the sole benefit of the insured employees or members to the extent it exceeds the policyholder's contribution to premiums for the applicable period.

An insurer issuing or delivering group personal lines property and casualty insurance shall maintain separate statistics as to the loss and expense experience pertinent thereto. No insurer shall issue or deliver a policy if purchasing insurance is a condition of employment or membership in the group, or if any employee or member shall be penalized for nonparticipation. The bill prohibits insurers from issuing or delivering a policy if the purchase is contingent on purchase of other insurance, product, or services, or on the purchase of additional coverage under the policy, except as specified in the bill. The insurer's experience from the policies shall be included in the determination of its participation in residual market plans. For purposes of premium taxes, the insurer shall allocate premiums in accordance with the rules for individual personal lines policies, except that the allocation may be based on an annual survey of the insureds. Premiums shall be apportioned among states without differentiation between the source of payment.

The bill requires persons acting as an insurance broker or agent in connection with the policies to be licensed in this state as an insurance producer, except as otherwise specified in the bill and provides that the signature of a licensed producer residing in this state shall not be required for issuance or delivery of a policy.

Regarding termination of coverage, the bill requires insurers to give 30 days written notice, as specified in the bill, to persons whose coverage is being terminated for reasons other than by their own request or a failure to pay premiums. The employee or member whose coverage is terminated shall be entitled to be issued a comparable individual policy if he or she applies and

pays the first premium within 30 days of receiving the notice. These notice and replacement policy provisions shall not apply if the master policy is replaced within 30 days.

The bill further requires insurers to be duly licensed, specifies that the bill is not applicable to mass marketing of individual policies, excludes certain credit insurance, specifies that it does not apply to or modify motor vehicle insurance, and provides that it shall not modify the authority of the Director with respect to consumer complaints or disputes.

These provisions shall take effect on January 1, 2022. A master policy or certificate of insurance that is lawfully in effect at that time shall comply with this bill within 12 months of such date.

MISSOURI STATUTORY THRESHOLDS FOR SETTLEMENTS INVOLVING MINORS ACT (Section 436.700 and 507.184)

This bill creates the "Missouri Statutory Thresholds for Settlements Involving Minors Act" which allows persons having legal custody over a minor to enter into settlement agreements with a person or entity against whom the minor has a claim if the following requirements are met:

(1) A conservator or guardian ad litem has not been appointed for the minor;

(2) The total amount of the claim, including reimbursement of medical expenses, liens, reasonable attorneys' fees and costs, is $35,000 or less if paid in cash, by draft, or if paid by the purchase of a premium for an annuity;

(3) The moneys paid pursuant to the settlement follow the requirements of this bill; and

(4) The person entering into the settlement agreement completes an affidavit or statement that attests that the person has made a reasonable inquiry and that the minor will be fully compensated by the settlement or that there is no practical way to obtain additional amounts from the person or entity.

The limit of $35,000 for the total amount of the claim shall be increased by inflation every five years beginning January 1, 2027. The affidavit or statement shall be maintained by the attorney representing the person entering into the settlement agreement on behalf of the minor for at least six years in accordance with the Missouri Supreme Court Rules of Professional Conduct.

As set forth in the bill, the payments from the settlement agreement shall be deposited into a uniform transfer to minors account for the sole benefit of the minor, shall be paid by direct payment to a provider of an annuity with the minor as the sole beneficiary, or shall be paid into a trust account or trust subaccount established by the Children's Division of the Department of Social Services for those minors in the custody of the state. The moneys in the minor's saving account, trust account, or trust subaccount may not be withdrawn, removed, paid out, or transferred to any person, including the minor, unless pursuant to court order, the minor attains 18 years of age, at the direction of a duly appointed conservator, at the direction of the custodian for the uniform transfer to minors account, or upon the minor's death.

The signature of the person entering into the settlement agreement on behalf of the minor is binding on the minor without the need for further court approval or review and has the same force and effect as if the minor were a competent adult entering into the agreement.

This bill provides that a person, including any insurer of a person, acting in good faith in entering into a settlement agreement on behalf of a minor pursuant to this bill shall not be liable to the minor for the moneys paid in the settlement or for any other claims arising out of the settlement of the claim. Additionally, any person or entity against whom a minor has a claim that settles the claim with the minor in good faith pursuant to this bill shall not be liable to the minor for any claims arising from the settlement of the claim.

The provision of current law regarding settlements contracted by a next friend, guardian ad litem or guardian or conservator shall not be construed as prohibiting settlements made pursuant to this bill or as requiring court approval of settlements made pursuant to this bill.

SS#2 HB 661 -- TRANSPORTATION

(Vetoed by Governor)

COMMERCIAL VEHICLE TOWING COMMITTEE (Section 21.795, RSMo)

This bill requires the Joint Committee on Transportation Oversight to promulgate rules regarding the towing of commercial motor vehicles. The Committee must ensure towing companies charge fair, equitable, and reasonable rates for services rendered in connection with the towing of commercial motor vehicles, and shall promulgate rules that:

(1) Establish a process for complaints against a towing company regarding the towing of a commercial vehicle;
(2) Establish factors used in determining whether a rate charged in connection with the towing of a commercial motor vehicle is fair, equitable, and reasonable;
(3) Establish a process for suspending or removing a towing company from a tow list with regard to the towing of commercial motor vehicles; and
(4) Establish information required to be included on invoices or notices associated with the towing of a commercial motor vehicle.

Establish information required to be included on invoices or notices associated with the towing of a commercial motor vehicle.The Committee will meet as necessary for the implementation of these provisions, and the meetings may be held concurrently with existing meetings required of the Committee.

If the Committee determines a violation may have occurred, the complaint must be referred to the

"Commercial Motor Vehicle Towing Adjudicative Board", established in the bill. If the Board determines a violation has occurred, the towing company that committed the violation will be removed from the Highway Patrol's tow list for six months for a first violation, 12 months for a second violation, and permanently for a third violation.

The Committee may make recommendations to the Governor and General Assembly regarding statutes governing the nonconsensual towing of commercial motor vehicles.

FEES FOR RECORDS REQUESTS (Section 43.253)

Where there are allowable fees of less than $5 for records requests under Chapter 43 or Chapter 610, RSMo, the State Highway Patrol is authorized to charge a minimum fee of $5. The superintendent of the Highway Patrol may increase the minimum fee by $1 every other year, but the minimum fee must not exceed $10. If a person requesting records fails to remit all fees within 30 days of the Highway Patrol requesting payment of the fees for the records, the records request will be considered withdrawn.

ALTERNATIVE FUEL DECALS (Section 142.869)

The bill provides owners of vehicles required to purchase alternative fuel decals the option of purchasing a biennial alternative fuel decal for twice the annual fee.

ELECTRIC VEHICLE TASK FORCE (Section 142.1000)

The bill establishes within the Department of Revenue the "Electric Vehicle Task Force", with membership as specified in the bill, including three members of the Senate, two appointed by the President Pro Tem and one by the Minority Leader and three members of the House of Representatives with two appointed by the Speaker of the House of Representatives and one appointed by the Minority Leader. As detailed in the bill, the Task Force must analyze and make recommendations regarding the impact of electric vehicle adoption on transportation funding. The Task Force must deliver a written report to the General Assembly and the Governor no later than December 31, 2022.

JOINT TASK FORCE ON SCHOOL BUS SAFETY (Section 162.066)

This bill establishes the "Joint Task Force on School Bus Safety" to study school bus transportation safety in public schools. The Task Force is comprised of seven members, including two members from the House of Representatives appointed by the Speaker of the House of Representatives and two member appointed by the President Pro Tem of the Senate, as specified in the bill.

Starting in 2022, the Task Force must meet at least three times annually to develop an annual report analyzing school bus transportation safety in public schools, including analyzing entrance and exit safety, the effectiveness of seatbelts, and other related topics determined by the Task Force chair. The Task Force must submit its report to the Governor and General Assembly by December 31st each year.

DEPARTMENT OF TRANSPORTATION'S COST ESTIMATES AND PROJECT COMPLETION DATES (Section 227.101)

This bill specifies that the Highways and Transportation Commission must publish on the Department of Transportation's official website its cost estimate and project completion date for any construction, maintenance, or repair work on the state highway system at the time bidding on a contract for the work first closes.

ELECTRIC BICYCLES (Sections 300.010, 301.010, 302.010, 303.020, 304.001, 307.025, 307.180, 307.188, 307.193, 307.194, 365.020, 407.560, 407.815, 407.1025, and 578.120)

As used in Chapters 300 and 301, the bill defines "electric bicycle" as a bicycle with fully operable pedals, a seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of three classes described in the bill.

Other definitions within those two chapters are changed to either specifically include or exclude "electric bicycle".

As used in Chapters 302, 303, 307, 365 and 407 "electric bicycle" is defined in reference to its definition in Chapter 301, and other definitions within those five chapters are changed to either specifically include or exclude "electric bicycle".

In Section 578.120, "electric bicycle" is specifically excepted from the prohibition on Sunday sales.

The bill also provides that every person riding an electric bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the operator of a bicycle, or the driver of a vehicle as provided by Chapter 304, except as to special regulations in Sections 307.180 to 307.193 and except as to those provisions of Chapter 304 which by their nature can have no application.

Operation of an electric bicycle is not subject to provisions of law that are applicable to motor vehicles, all-terrain vehicles, off-road vehicles, off-highway vehicles, motor vehicle rentals, motor vehicle dealers or franchises, or motorcycle dealers or franchises, including vehicle registration, certificates of title, drivers' licenses, and financial responsibility.

Beginning August 28, 2021, manufacturers and distributors of electric bicycles are required to apply in a prominent location, a permanent label to each electric bicycle which must contain the classification number, top assisted speed, and motor wattage of the electric bicycle.

An electric bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission, 16 CFR 1512. An electric bicycle must be operated so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

Electric bicycles can be ridden where bicycles are permitted, subject to certain provisions set out in the

bill. The use of a class 3 electric bicycle is subject to certain provisions set out in the bill, including the operator must be 16 years old, and be equipped with a speedometer.

FARM VEHICLES REGISTRATION (Section 301.033)

This bill requires the Department of Revenue to establish a system in which persons who own multiple farm vehicles can elect to have the vehicles placed on the same registration renewal schedule.

All farm vehicles included in the fleet of a registered farm vehicle fleet owner shall be registered during April or on a prorated basis, as specified in the bill. The bill allows the owner of a farm vehicle fleet to add a farm vehicle or transfer plates to a fleet vehicle. The owner must pay a transfer fee of $2 for each vehicle transferred.

Farm vehicles registered under this provision shall be issued a special license plate with the phrase "Farm Fleet Vehicle" and be issued multiyear license plates that do not require a renewal tab. The Director of Revenue shall issue a registration certificate or other proof of payment of the annual or biennial fee that must be carried in the vehicle for which it is issued.

LOCAL LOG TRUCKS (Sections 301.010, 301.062, 304.180, and 304.240)

This bill modifies the definition of "local log truck" and "local log truck tractor" to specify weight distribution and a total maximum weight for each truck, and updates weight and distance limits. In addition, the bill also sets fines for load-limit violations involving a local log truck or a local log truck tractor.

HISTORIC MOTOR VEHICLES (Section 301.131)

This bill repeals a 1,000 miles per year driving restriction imposed on historic motor vehicles.

MOTOR VEHICLE BIENNIAL REGISTRATION (Sections 301.147 and 307.350)

This bill repeals the provision of law which requires that vehicles manufactured as an even-numbered model year must be renewed each even-numbered calendar year and that vehicles manufactured as an odd-numbered model year must be renewed each odd-numbered calendar year.

MOTOR VEHICLE ODOMETER READINGS (Sections 301.192, 301.280, 407.526, 407.536, and 407.556)

This bill changes various laws in which a motor vehicle odometer reading certification is or is not required.

Currently, the first time a certificate of ownership is sought for a vehicle that is at least seven years old at the time of application and the value of which is less than $3,000, the certificate may be issued if the application is accompanied by certain documents, including an odometer reading certification if the vehicle is less than 10 years old. The bill changes the requirement for the odometer reading certification from 10 to 20 years old.

Motor vehicle dealers are required to make a monthly report to the Department of Revenue regarding vehicles or trailers sold, taxes collected, etc., which includes an odometer reading for vehicles that are less than 10 years old. This bill changes this provision to require an odometer reading for any vehicle that is less than 20 years old.

The crime of odometer fraud in the third degree is changed to occur upon the operation of a motor vehicle less than 20 years old, increased from 10 years old.

The provisions of Sections 407.511 to 407.556, RSMo, regarding odometer fraud, currently do not apply to a motor vehicle that is 10 or more years old. The bill now limits that exception to motor vehicles that are 20 or more years old.

MOTOR VEHICLE ADMINISTRATION TECHNOLOGY FUND (Section 301.558)

This bill creates the "Motor Vehicle Administration Technology Fund", to which 10% of administrative fees charged by motor vehicle dealers shall be remitted for purposes of developing a modernized, integrated system for the titling of vehicles, the issuance and renewal of vehicle registrations, driver's licenses, and identification cards, and the perfection and release of liens and encumbrances on vehicles. Following establishment of the system, the percentage of the fees required to be remitted is reduced to 1%. These provisions shall expire on January 1, 2037.

The bill provides that the same administrative fee need not be charged to all retail customers if the dealer's franchise agreement limits the fee to certain classes of customers.

OPERATION OF A COMMERCIAL MOTOR VEHICLE (Section 302.755)

This bill disqualifies any person from driving a commercial motor vehicle for life if they are convicted of using a commercial motor vehicle in the commission of a felony involving severe forms of trafficking in persons.

MOTOR VEHICLE FINANCIAL RESPONSIBILITY (Sections 303.025, 303.420, 303.422, 303.425, 303.430, and 303.440)

The bill provides that the Department of Revenue may verify motor vehicle financial responsibility as provided by law, but shall not otherwise take enforcement action unless the Director determines a violation has occurred as described in the bill.

Currently, a first violation of The Motor Vehicle Financial Responsibility Law is punishable as a class D misdemeanor, meaning a fine may be imposed of up to $500; a second or subsequent offense is punishable by up to 15 days in jail and/or a fine not to exceed $500. Under the bill, a second or subsequent offense may be punished by up to 15 days in jail and shall be punished by a fine not less than $200 but not to exceed $500. Fines owed to the state for violations of the Motor Vehicle Financial Responsibility Law may be eligible for payment in installments. Rules for the application of payment plans shall take into account individuals' ability to pay.

The provisions in Section 303.025 shall take effect on January 1, 2023.

This bill establishes the "Motor Vehicle Financial Responsibility Verification and Enforcement Fund" to be used by the Department of Revenue for the administration of the "Motor Vehicle Financial Responsibility Enforcement and Compliance Incentive Program (program) established in the bill.

The Department has the authority to contract with third-party vendors to facilitate the program. The Department or its third-party vendor shall utilize technology to compare vehicle registration information with the information accessible through the motor vehicle financial responsibility verification system established in the bill and the Department shall use this information to identify motorists who are in violation of The Motor Vehicle Financial Responsibility Law. All fees paid to the third-party vendors may come from violator diversion fees generated by the pretrial diversion option, specified in the bill, as an alternative to statutory fines and reinstatement fees prescribed under The Motor Vehicle Financial Responsibility Law.

The Department of Revenue may authorize law enforcement agencies or third-party vendors to use technology to collect data for purposes of these provisions. The Department may authorize traffic enforcement officers or third-party vendors to administer the processing and issuance of notices of violation and the collection of fees under the program. Access to the verification system shall be restricted to authorized parties as provided in the bill. For purposes of the program, certain data specified in the bill may be used to identify vehicles as being in violation of The Motor Vehicle Financial Responsibility Law, and shall constitute evidence of the violation.

Except as otherwise specified in the bill, the Department of Revenue shall suspend, as provided by law, the registration of any motor vehicle that is determined under the program to be in violation of The Motor Vehicle Financial Responsibility Law.

The Department shall send to an owner whose vehicle is identified under the program as being in violation of The Motor Vehicle Financial Responsibility Law a notice that the vehicle's registration may be suspended unless the owner, within 30 days, provides proof of financial responsibility or proof of a pending criminal charge for a violation of The Motor Vehicle Financial Responsibility Law. The notice shall include information on obtaining proof of financial responsibility, as provided in the bill. If proof of financial responsibility or a pending criminal charge is not provided within the time allotted, the Department shall suspend the vehicle's registration in accordance with current law, or shall send a notice of vehicle registration suspension, clearly specifying the grounds for and effective date of the suspension, the right to and procedure for requesting a hearing, and the date by which the request for hearing must be made, as well as informing the owner that the matter will be referred for prosecution, informing the owner that the minimum penalty for the violation is $300 and four license points, and offering the owner participation in a pretrial diversion option to preclude referral for prosecution and registration suspension under the bill. The notice of vehicle registration suspension shall give a period of three days from mailing for the vehicle owner to respond, and shall be deemed received three days after mailing.

If no request for hearing or agreement to participate in the diversion option is received prior to the date of suspension, the Director shall suspend the registration immediately and refer the case for prosecution.

If an agreement to participate in the diversion option is received prior to the date of suspension, then upon payment of a diversion participation fee not to exceed $200, and agreement to obtain and retain financial responsibility for a period of two years, then no points shall be assessed to the owner's driver's license, and the Department shall not take further action against the owner, subject to compliance with the terms of the pretrial diversion option. The Department shall suspend the registration of, and refer cases for prosecution of, participating vehicle owners who violate the terms of the pretrial diversion option.

If a request for hearing is received prior to the date of suspension, then for all purposes other than eligibility for the diversion option, the effective date of suspension shall be stayed until a final order is entered following the hearing. The Department shall suspend the registration of vehicles determined under the final order to have been in violation of The Motor Vehicle Financial Responsibility Law, and shall refer the case for prosecution.

The Department or its third-party vendor shall issue receipts for the collection of diversion option participation fees, and the fees shall be paid into the Motor Vehicle Financial Responsibility Verification and Enforcement Fund, established in the bill. A vehicle owner whose registration is suspended may obtain reinstatement upon providing proof of financial responsibility and payment to the Department of a nonrefundable reinstatement fee.

Data collected or retained under the program shall not be used by any entity for purposes other than enforcement of The Motor Vehicle Financial Responsibility Law. Data collected and stored by law enforcement under the program shall be considered evidence if a violation is confirmed. The evidence and a corresponding affidavit as provided in the bill shall constitute probable cause for prosecution, and shall be forwarded to the appropriate prosecuting attorney as provided in the bill.

Owners of vehicles identified as being in violation of The Motor Vehicle Financial Responsibility Law shall be provided with options for disputing claims which do not require appearance at any court of law or administrative facility. Any person who provides timely proof that he or she was in compliance with The Motor Vehicle Financial Responsibility Law at the time of the alleged violation shall be entitled to dismissal of the charge with no assessment of fees or fines. Any proof provided that a vehicle was in compliance at the time of the alleged offense shall be recorded in the system established by the Department in these provisions.

The collection of data or use of technology shall be done in a manner that prohibits bias towards a specific community, race, gender, or socioeconomic status of vehicle owner. Law enforcement agencies, third-party vendors, or other entities authorized to operate under the program shall not sell data collected or retained under the program for any purpose or share it for any purpose not expressly authorized by law. All data shall be secured and any third-party vendor may be liable for any data security breach.

The Department shall not take action against fleet vehicles, or against vehicles known to the Department of Revenue to be insured under a policy of commercial auto insurance, as defined in the bill.

Following one year after the implementation of the program, and annually thereafter, the Department of Revenue shall provide a report on the program's operations as specified in the bill. The Department may, by rule, require the state, counties, and municipalities to provide information in order to complete the report.

This bill requires the Department to establish a web-based system for the verification of motor vehicle financial responsibility, and to provide access to insurance reporting data and vehicle registration and financial responsibility data. The Department shall require motor vehicle insurers to establish functionality for it as provided in the bill, and the system shall be the sole system used in the state for online verification of financial responsibility.

The verification system shall transmit requests to insurers for verification of insurance coverage via web services established in accordance with Insurance Industry Committee on Motor Vehicle Administration (IICMVA) specifications, and the insurance company system shall respond with a prescribed response upon evaluating the data provided in the request. The system shall include appropriate data security protections, and the Department shall maintain a historical record of the system data for up to 12 months from the date of the requests and responses. The system shall be used to verify financial responsibility required by law, and shall be accessible by authorized employees of the Department, the courts, law enforcement, and other entities as authorized by law, and shall be interfaced, wherever appropriate, with existing state systems. The system shall include information enabling the Department to submit inquiries to insurers regarding motor vehicle insurance which are consistent with insurance industry and IICMVA standards by using the insurer's National Association of Insurance Commissioners (NAIC) company code, vehicle identification number, policy number, verification date, or as otherwise described in IICMVA standards. The Department shall promulgate rules to offer insurers of 1,000 or fewer vehicles an alternative method for verifying coverage in lieu of web services, and to provide for the verification of financial responsibility when proof of financial responsibility is provided to the Department by means other than a policy of insurance. Insurers are not required to verify insurance coverage for vehicles registered in other jurisdictions.

The verification system shall respond within a time period established by the Department. An insurer's system shall respond within the time period prescribed by the IICMVA's specifications and standards. Insurer systems shall be permitted reasonable system downtime for maintenance and other work with advance notice to the Department. Insurers shall not be subject to enforcement fees or other sanctions under such circumstances, or when their systems are not available because of emergency, outside attack, or other unexpected outages not planned by the insurer and reasonably outside of its control.

The verification system shall assist in the identification of motorists operating in violation of The Motor Vehicle Financial Responsibility Law in the most effective way possible. System responses shall have no effect on the determination of coverage under a claim. Nothing in these provisions shall prohibit the Department from contracting with a third-party vendor or vendors who have successfully implemented similar systems in other states.

The Department shall consult with insurance industry representatives and may consult with third-party vendors to determine the objectives, details, and deadlines related to the system by establishing an advisory council with membership as specified in the bill.

The Department shall publish for comment, and then issue, a detailed implementation guide for its online verification system.

The Department and its third-party vendors, if any, shall each maintain a contact person for insurers during the establishment, implementation, and operation of the system.

If the Department has reason to believe a vehicle owner does not maintain financial responsibility as required by law, it may also request for the insurer to verify the existence of financial responsibility in a form approved by the Department. Insurers shall cooperate with the Department in establishing and maintaining the verification system, and shall provide motor vehicle insurance policy status information in accordance with rules promulgated by the Department.

Every property and casualty insurer licensed to issue motor vehicle insurance or authorized to do business in this state shall comply with these provisions for the verification of any vehicle for which the insurer issues a policy in this state.

For purposes of historical verification inquiries, insurers shall maintain a historical record of insurance data for a minimum period of six months from the date of a policy's inception or modification.

The bill shall not apply with regard to "commercial auto coverage", as defined in the bill. However, such insurers may participate on a voluntary basis, and vehicle owners may provide the Department with proof of commercial auto coverage to be recorded in the verification system. Individuals covered by commercial or fleet automobile policies shall be provided with proof of coverage as described in the bill.

Insurers shall be immune from civil and administrative liability for good faith efforts to comply. Nothing in this bill shall prohibit an insurer from using the services of a third-party vendor for facilitating the verification system as required under the bill.

The verification system shall be in operation by January 1, 2023, following a testing period of not less than nine months. No enforcement action shall be taken based on the system until successful completion of the testing period.

HEAD START SCHOOL BUSES (Section 304.050)

This bill provides that a certified Head Start school bus is subject to all provisions that a certified school bus is subject, except for the requirement of a crossing control arm.

MOTOR CLUBS (Sections 304.153, 385.220, 385.320, and 385.450)

This bill modifies the existing definition of "motor club" in Section 304.153, which relates to tow companies or tow lists utilized by law enforcement and state transportation employees, to a legal entity that, in consideration of dues, assessments, or periodic payments of money, promises to provide motor club services to its members or subscribers. Motor club services include services relating to motor travel, which may include but are not limited to towing services, emergency road services, bail bond services, discount services, theft services, map services, touring services, legal fee reimbursement services in the defense of traffic offenses, and participation in an accident and sickness or accidental death insurance benefit program.

The bill also specifies that fees collected from the sale of motor club contracts are not subject to premium tax, and provides that motor clubs complying with the provisions of the bill will not be subject to provisions governing insurance companies in this state.

PERSONAL DELIVERY DEVICES (Section 304.900)

This bill sets out the requirements for and prohibitions against the operation and use of a personal delivery device.

A "personal delivery device" is defined as a powered device operated primarily on sidewalks and crosswalks and intended primarily for the transport of property on public rights-of-way, and is capable of navigating with or without the active control or monitoring of a natural person.

The bill allows a personal delivery device to operate on any county or municipal sidewalk, crosswalk or roadway as long as the device does not interfere with motor vehicles, traffic, or block a public right-of-way. A personal delivery device shall have all of the rights and responsibilities as a pedestrian, must display a unique identifying number, and be equipped to identify the personal delivery device operator. When operating on a sidewalk or crosswalk the device's maximum speed is 10 miles per hour and must be equipped with front and rear lighting.

The bill requires each personal delivery device operator to maintain a general liability coverage insurance policy of at least $100,000 for damages arising from the combined operations of personal delivery devices under a personal delivery device operator's control.

A personal delivery device shall not transport hazardous material as specified in the bill.

The bill does not restrict a local government from regulating the use of personal delivery devices on highways or pedestrian areas.

The bill also prevents a personal delivery device operator from selling or disclosing a personally identifiable likeness, as defined in the bill, to a third party for monetary compensation. However, the operator may use a personally identifiable likeness to improve products or services. The likeness may also be disclosed to law enforcement with a lawful subpoena.

AUXILIARY LIGHTING FOR MOTORCYCLES (Section 307.128)

This bill authorizes the use of any color illumination for auxiliary lighting on a motorcycle. Currently, only amber and white illumination is authorized.

VEHICLE SAFETY AND EMISSIONS INSPECTIONS (Sections 307.350 and 643.315)

The bill modifies certain vehicle safety and emissions inspection

statutes to refer to biennial registration generally;

MOTOR VEHICLE INSPECTIONS (Section 307.380)

This bill exempts new motor vehicles from the requirement that motor vehicles receive a safety inspection immediately prior to their sale regardless of any current certificate of inspection and approval.

DIGITAL ELECTRONIC EQUIPMENT (Section 407.005)

Defines "digital electronic equipment" for the purposes of Chapter 407 as any product that depends for its functioning on digital electronics embedded in or attached to the product. However, it shall not include any motor vehicle manufacturer, manufacturer of motor vehicle, or motor vehicle dealer, or any product or service of a motor vehicle manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer acting in that capacity.

DETACHED CATALYTIC CONVERTERS (Sections 407.300, and 570.030)

This bill requires records of sales of certain metals and metal items, including detached catalytic converters, to be maintained for three years rather than two years. A transaction that includes a detached catalytic converter must occur at the fixed place of business of the purchaser. A detached catalytic converter must be maintained for five business days before it is altered, modified, disassembled, or destroyed.

Anyone licensed for selling motor vehicle parts as set forth in statute who knowingly purchases a stolen detached catalytic converter shall be subject to penalties as specified in the bill.

Currently, every purchaser or collector of, or dealer in, junk, scrap metal, or any second hand property is required to maintain written or electronic records for each purchase or trade in which certain types of material are obtained for value, with exceptions. This bill repeals the exception to the records requirement for any transaction for which the total amount paid for all regulated material purchased or sold does not exceed $50, unless the material is a catalytic converter.

The records requirement of the bill does not apply to transactions for which the seller has an existing business relationship with the purchaser and for which the seller is paid by check or by electronic funds transfer, or the seller produces an acceptable identification, which shall be a copy of the driver's license or photo identification issued by the state or by the U.S. government or agency thereof, and a copy is retained by the purchaser.

The offense of stealing shall be a class E felony if the property is a catalytic converter.

MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM (Section 643.310)

The bill exempts St. Charles County, Franklin County, and Jefferson County from the Motor Vehicle Emissions Inspection Program established by the Air Conservation Commission.

COMMERCIAL MOTOR VEHICLE PARKING

(Section 1)

This bill prevents businesses located within 500 feet of real property owned or leased by a hospital from offering overnight parking for commercial motor vehicles, as defined in Section 301.010, unless a public hearing is held by the city council of the municipality in which the business is located and all owners and lessors of real property located within 500 feet of the business property have been timely notified of the public hearing and have been given an opportunity to be heard at such public hearing.

SCS HCS HB 685 -- PUBLIC OFFICES

(Vetoed by Governor)

This bill changes laws regarding public offices. In its main provisions the bill:

(1) Lowers the minimum age requirement to 21 years for holding various county offices and special district board memberships. Included in the offices and districts affected are: county clerk; county auditor; county coroner; county surveyor; seven-director school board; ambulance district board; sewer district trustee; public water supply district board; fire protection district board; court clerk; and mayor for third or fourth class cities;

(2) Requires a person appointed to elective public office not be delinquent in the payment of state income tax, personal property tax, municipal tax or real property tax;

(3) A residency requirement for the Office of Attorney General is also repealed;

(4) Creates an exception to dissolving candidate committees for any person holding a municipal or school district office;

(5) Authorizes county treasurers to access specified information needed to process warrants;

(6) Removes a requirement that the presiding commissioner of Cass county be the budget officer unless the county commission designates the county clerk as the budget officer;

(7) Provides that each candidate for county recorder shall provide to the election authority a copy of an affidavit from a surety company authorized to do business in this state that indicates the candidate is about to satisfy the bond requirements of the office. Additionally, under current law, all recorders of deeds elected in first, second, and third classification counties shall enter into bond with the state for an amount set by the county commission. However, this amount shall not be less than $1000 with sufficient sureties. Under this bill, these provisions shall only apply to recorders of deeds elected prior to January 1, 2022. The bill provides that all recorders of deeds elected after December 31, 2021, in first, second, and third classification counties shall enter into bond with the state for an amount set by the county commission of not less than $5000 with sufficient sureties; and

(8) Authorizes applicants for a marriage license to present an application for the license to the recorder of deeds in person or electronically through an online process. Additionally, in the event a recorder of deeds utilizes an online process to accept applications for a marriage license or to issue a marriage license and the applicants' identity has not been verified in person, the recorder shall have a two-step identity verification process or other process that verifies the identity of the applicants. Finally, the recorder shall not accept applications for or issue marriage licenses through an online process unless at least one of the applicants is a resident of the county in which the application is submitted.

(9) Lowers the minimum age requirement to 21 years for holding various county offices and special district board memberships. Included in the offices and districts affected are: county clerk; county auditor; county coroner; county surveyor; seven-director school board; ambulance district board; sewer district trustee; public water supply district board; fire protection district board; court clerk; and mayor for third or fourth class cities;

(10) Requires a person appointed to elective public office not be delinquent in the payment of state income tax, personal property tax, municipal tax or real property tax;

(11) A residency requirement for the Office of Attorney General is also repealed;

(12) Creates an exception to dissolving candidate committees for any person holding a municipal or school district office;

(13) Authorizes county treasurers to access specified information needed to process warrants;

(14) Removes a requirement that the presiding commissioner of Cass county be the budget officer unless the county commission designates the county clerk as the budget officer;

(15) Provides that each candidate for county recorder shall provide to the election authority a copy of an affidavit from a surety company authorized to do business in this state that indicates the candidate is about to satisfy the bond requirements of the office. Additionally, under current law, all recorders of deeds elected in first, second, and third classification counties shall enter into bond with the state for an amount set by the county commission. However, this amount shall not be less than $1000 with sufficient sureties. Under this bill, these provisions shall only apply to recorders of deeds elected prior to January 1, 2022. The bill provides that all recorders of deeds elected after December 31, 2021, in first, second, and third classification counties shall enter into bond with the state for an amount set by the county commission of not less than $5000 with sufficient sureties; and

(16) Authorizes applicants for a marriage license to present an application for the license to the recorder of deeds in person or electronically through an online process. Additionally, in the event a recorder of deeds utilizes an online process to accept applications for a marriage license or to issue a marriage license and the applicants' identity has not been verified in person, the recorder shall have a two-step identity verification process or other process that verifies the identity of the applicants. Finally, the recorder shall not accept applications for or issue marriage licenses through an online process unless at least one of the applicants is a resident of the county in which the application is submitted.

SS SCS HCS HB 697 -- PROPERTY ASSESSMENT CLEAN ENERGY ACT

This bill modifies provisions relating to the Property Assessment Clean Energy (PACE) Act.

DEFINITIONS (Section 67.2800, RSMo)

This section modifies the term "assessment contract" to state that property owners may enter into assessment contracts to finance energy efficiency improvements with a Clean Energy Development Board for a period of up to 20 years not to exceed the weighted average useful life of the qualified improvements. This bill adds the terms "director", "division", and "program administrator".

COLLECTION OF SPECIAL ASSESSMENTS (Section 67.2815)

A Clean Energy Development Board must provide a copy of each signed assessment contract to the city or county collector and assessor. Additionally, the special assessments must be collected by the city or county collector.

Portions of the PACE Act, as described in this bill, only apply to PACE Programs for projects to improve residential properties of four or fewer units. Any Clean Energy Development Board formed to improve commercial properties, properties owned by non-profit or not-for-profit entities, governmental properties, or non-residential properties in excess of four residential units will be exempt from portions of the PACE Act, as described in this bill, and portions of the program will not apply to the commercial PACE Programs and Commercial PACE Assessment Contracts of any Clean Energy Development Board Engaged in both commercial and residential property programs. Any Clean Energy Development Board that ceases to finance new projects to improve residential properties of four or fewer units before January 1, 2022, will be exempt from the portions of the PACE Act, as described in this bill.

PACE PROGRAM FOR RESIDENTIAL PROPERTIES (Section 67.2816)

Municipalities that have created, joined, or withdrawn from a residential PACE Program or District must inform the Director of the Division of Finance, within the Department of Commerce and Insurance, by submitting a copy of the enabling ordinance or withdrawal ordinance to the Division.

Clean Energy Development Boards offering residential property programs and the program administrators are subject to examination by the Division of Finance. The Division must conduct an examination of each Clean Energy Development Board at least once every 24 months and such other times as the Director may determine. The Clean Energy Development Board will have the opportunity to respond to any findings in the examination. A final examination report will be delivered to the Clean Energy Development Board and sponsoring municipality and will be made available to the public with certain information redacted.

A Clean Energy Development Board and its program administrator or agents will be jointly and severally responsible for paying the actual costs of examinations, which the Director will assess upon the completion of an examination.

PACE PROGRAM CONTRACTS FOR RESIDENTIAL PROPERTIES (Sections 67.2817 and 67.2818)

Notwithstanding any other contractual agreement to the contrary, each assessment contract will be reviewed, approved, and executed by the Clean Energy Development Board and these duties must not be delegated.

A Clean Energy Development Board will not approve, execute, submit, or otherwise present for recording any residential assessment contract unless the Board verifies certain criteria set forth in the bill are satisfied. The property owner executing a PACE Assessment Contract will have a three-day right to cancel the contract.

The Clean Energy Development Board must advise the property owner in writing that any delinquent assessment will be a lien on the property subject to the assessment contract and that the obligations under the PACE Assessment Contract continue even if the

property owner sells or refinances the property.

If the residential property owner pays his or her property taxes and special assessments via a lender or loan servicer's escrow program, the Board must advise the property owner that the residential PACE Assessment will cause the owner's monthly escrow requirements to increase and will increase the owner's total payment to the lender or the loan servicer. The Board will further advise the property owner that if the special assessment results in an escrow shortage the owner will be required to pay the shortage in a lump-sum payment or catch-up the shortage over 12 months.

The Board must also provide a statement providing a brief description of the residential project improvement, the cost of the improvement, and the annual assessment necessary to repay the obligation due on the assessment contract to any first lien holder within three days of the date the contract is recorded.

The Board must maintain a public website with current information about the residential PACE Program.

The Clean Energy Development Board, its agents, contractor, or other third party will not make any representation as to the income tax deductibility of an assessment.

Any federal requirements and consumer protections for property assessed clean energy financing or similar programs apply to residential PACE Assessment Contracts and the Board must consider the financial ability of the property owner to repay the contract. A board may not enter into an assessment contract if the cash price of the project is more than 20% of the true value in money, as determined by the assessor pursuant to Chapter 137, plus 10% of such amount.

The Board that offers residential PACE Projects must provide a disclosure form to homeowners that will show the financing terms of the Assessment Contract. The disclosure form will be presented to a property owner prior to the execution of an assessment contract.

Before a property owner executes an assessment contract, the PACE Board will make an oral confirmation that at least one owner of the property has a copy of the assessment contract documents, the financing estimate and disclosure form, and the right to cancel form. An oral confirmation will also be made of the key terms of the assessment contract, in plain language, and an acknowledgment must be obtained from the property owner or authorized representative to whom the oral confirmation is given.

PACE PROGRAM CONTRACTORS (Section 67.2819)

Contractors or other third parties cannot advertise the availability of residential assessment contracts that are administered by a board or solicit property owners on behalf of the PACE Board, unless the contractor maintains his or her permits and agrees to act in accordance with advertising laws.

The bill sets limitations on what incentives or information the Board will provide to a contractor.

A contractor must not provide a different price for a project financed as a residential PACE Project than the contractor would provide if paid in cash by the property owner.

EFFECTIVE DATE (Section 67.2840)

Certain provisions of the bill will be effective and apply to the residential PACE Programs of Clean Energy Development Boards and participating municipalities after January 1, 2022.

Certain provisions of the bill will be effective and apply to residential PACE Assessment Contracts entered into after January 1, 2022.

CCS SS SCS HCS HB 734 -- UTILITIES

The bill modifies provisions relating to utilities.

Under this bill, no political subdivision shall adopt an ordinance, resolution, regulation, code or policy that prohibits, or has the effect of prohibiting, the connection or reconnection of a utility service based upon the type or source of energy to be delivered to an individual customer (Section 67.309, RSMo).

This section provides that in the event that a retail electric supplier is providing service to a structure located within a municipality that was previously a rural area, and the structure is demolished and replaced by a new structure, the retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure (Section 91.025).

Beginning January 1, 2022, for purposes of assessing all real property, excluding land, or tangible personal property associated with a project that uses wind energy directly to generate electricity, 37.5% of the original costs shall be the true property value beginning the year immediately following the year of construction of the property (Section 137.123).

Beginning January 1, 2022, this bill provides that any real and personal property owned by a public utility company that was constructed utilizing financing authorized under Chapter 100 financing shall, upon the transfer of such property to the public utility company, be assessed upon the local tax rolls. Any property consisting of land and buildings shall be assessed pursuant to current law relating to the assessment of such property in general, and all other business or personal property shall be assessed using the methodology provided under Section 137.122. For any real or tangible personal property associated with a generation project which was originally constructed utilizing financing authorized under Chapter 100 for construction, upon the transfer of ownership of such property to a public utility, such property shall be valued and taxed by local authorities having jurisdiction under the provisions of Chapter 137 and any other relevant provisions of law (Sections 153.030 and 153.034).

Currently when an unincorporated sewer subdistrict of a common sewer district has been formed, the board of trustees of the common sewer district shall have the power to issue bonds, and the issuance of such bonds shall require the assent of 4/7 of the voters of

the subdistrict on the question. This bill states that as an alternative to such vote, if the subdistrict is a part of a common sewer district located in whole or in part in certain counties, bonds may be issued for such subdistrict if the question receives the written assent of 3/4 of the customers, as such term is defined in the bill, of the subdistrict (Section 204.569).

Currently, the Public Service Commission can assess no more than 0.25% of the total gross intrastate operating revenues against all utilities subject to the jurisdiction of the Commission for the cost of regulating such utilities. This bill changes the assessment rate to no more than 0.315% of the total gross intrastate operating revenues of such utilities (Section 386.370).

This bill specifies that in the absence of an approved territorial agreement, the municipally owned utility shall apply to the Public Service Commission for an order assigning nonexclusive service territories and concurrently shall provide written notice of the application to other electric service suppliers with electric facilities located within one mile outside of the boundaries of the proposed expanded service territory. In granting the applicant's request, the Commission shall give due regard to territories previously served by the other electric service suppliers and the wasteful duplication of electric service facilities.

Any municipally owned electric utility may extend its electric service territory to include areas where another electric supplier currently is not providing permanent service to a structure. If a rural electric cooperative has existing electric service facilities in the area proposed to be annexed, the majority of the existing developers, landowners, or prospective electric customers may submit a written request to the governing body of the annexing municipality to invoke mandatory good faith negotiations as provided in the bill. These provisions shall also apply in the event an electrical corporation rather than a municipally owned electric utility is providing electric service in the municipality.

The bill changes the term "fair and reasonable compensation" to be 200%, rather than 400%, of gross revenues less gross receipts taxes received by the affected electric service supplier from the 12 month period preceding the approval of the municipality's governing body.

Nothing in this bill shall be construed as otherwise conferring upon the Public Service Commission jurisdiction over the service, rates, financing, or management of any rural electric cooperative or any municipally owned electric utility (Section 386.800).

The Public Service Commission is required to adopt rules for gas corporations to offer a voluntary renewable natural gas program. The Commission shall establish reporting requirements and a process for gas corporations to fully recover incurred costs that are prudent, just, and reasonable associated with a renewable natural gas program. Such recovery shall not be permitted until the project is operational. Any costs incurred by a gas corporation that are prudent, just, and reasonable shall be recovered by means of an automatic adjustment clause. An affiliate of a gas corporation shall not be prohibited from making a capital investment in a biogas production project if the affiliate is not a public utility as defined in statute (Section 386.895).

This bill states that auxiliary power may be purchased on a wholesale basis, under the applicable tariffs of a regional transmission organization instead of under retail service tariffs filed with the Public Service Commission by an electrical corporation, for use at an electric generation facility located in Cass County, which commenced commercial operations prior to August 28, 2021, and which is operated as an independent power producer. The bill also creates definitions for "auxiliary power" and "independent power producer" (Section 393.106).

Currently, the Public Service Commission may approve a special rate, outside of a general rate proceeding, not based on the cost of service for electrical services provided to certain facilities if the Commission determines that but for the special rate the facility would not commence operations and that the special rate is in the best interest of the state. This bill changes the facilities that qualify for the special rates to include a facility whose primary industry is the processing of primary metals (Section 393.355).

This section specifies that when determining the allocation of an electrical corporation's total revenue requirement among the electrical corporation's customer classes for the ultimate purpose of setting base rates for each customer class, the Public Service Commission shall only consider class cost of service study results that allocate the electrical corporation's production plant costs from nuclear and fossil generating units using the average and excess method or one of the methods of assignment or allocation contained within the National Association of Regulatory Utility Commissioners 1992 manual or a subsequent manual.

This provision expires on August 28, 2031 (Section 393.1620).

The bill allows an electrical corporation to petition the Public Service Commission for a financing order, which is an order from the Commission that authorizes the issuance of securitized utility tariff bonds; the imposition, collection, and periodic adjustments of a securitized utility tariff charge; the creation of securitized utility tariff property; and the sale, assignment, or transfer of securitized utility tariff property to an assignee. A securitized utility tariff charge shall be used to repay, finance, or refinance energy transition costs or qualified extraordinary costs and financing costs that are charges imposed on and part of all retail customer bills.

The time frame for proceedings on a petition for a financing order are specified in the bill. Judicial review may be had as set forth in law for Commission decisions.

A financing order issued by the Commission shall include elements outlined in the bill.

A financing order issued to an electrical corporation may provide that the creation of the electrical corporation's securitized utility tariff property is conditioned upon,

and simultaneous with, the sale or other transfer of the securitized utility tariff property to an assignee and the pledge of the securitized utility tariff property to secure securitized utility tariff bonds.

If a financing order is issued, the electrical corporation shall file a petition or letter at least annually applying the formula-based true-up mechanism requesting administrative approval to make applicable adjustments. The Commission has 30 days from receiving the petition or letter to approve the request or inform the electrical corporation of any mathematical or clerical errors in its calculation.

Once securitized utility tariff bonds are authorized the Commission may not amend, modify, or terminate the financing order by any subsequent action or make changes to securitized utility tariff charges approved in the financing order.

A financing order remains in effect, and securitized utility tariff property under the financing order continues to exist, until securitized utility tariff bonds issued pursuant to the financing order have been paid in full or defeased and, in each case, all Commission-approved financing costs of such securitized utility tariff bonds have been covered in full.

The securitized utility tariff bonds issued pursuant to a financing order shall not be considered to be debt of the electrical corporation other than for federal and state income taxes.

No electrical corporation is required to file a petition for a financing order. A decision not to file for a financing order shall not be admissible in any Commission proceeding or otherwise utilized or relied on by the Commission in certain proceedings.

Debt reflected by the securitized utility tariff bonds shall not be utilized or considered in establishing the electrical corporation's capital structure used to determine any regulatory matter.

The Commission may not, directly or indirectly, consider the existence of securitized utility tariff bonds or the potential use of securitized utility tariff bond financing proceeds in determining the electrical corporation's authorized rate of return used to determine the electrical corporation's revenue requirement used to set rates.

Electric bills of an electrical corporation that has obtained a financing order and caused securitized utility tariff bonds to be issued shall include specific information specified in the bill.

Securitized utility tariff property specified in a financing order exists until securitized utility tariff bonds issued pursuant to the financing order are paid in full and all financing costs and other costs of such securitized utility tariff bonds have been recovered in full.

If an electrical corporation defaults on any required remittance of securitized utility tariff charges arising from securitized utility tariff property specified in a financing order, a court, upon application by an interested party, shall order the sequestration and payment of the revenues arising from the securitized utility tariff property to the financing parties or their assignees.

Any successor to an electrical corporation shall perform and satisfy all obligations of, and have the same rights under a financing order as, the electrical corporation under the financing order.

The bill contains several provisions related to security interests in securitized utility tariff property.

A security interest in securitized utility tariff property is created, valid, and binding and perfected at the later of the time:

(1) The financing order is issued;
(2) A security agreement is executed and delivered by the debtor granting such security interest;
(3) The debtor has rights in such securitized utility tariff property or the power to transfer rights in such securitized utility tariff property; or
(4) Value is received for the securitized utility tariff property.

The law governing the validity, enforceability, attachment, perfection, priority, and exercise of remedies with respect to the transfer of an interest or right or the pledge or creation of a security interest in any securitized utility tariff property shall be the laws of Missouri.

The bill lists entities that may legally invest any sinking funds, moneys, or other funds in securitized utility tariff bonds (Section 393.1700).

This bill allows an electrical corporation to file a petition concurrently with a petition filed for a financing order for investment in replacement resources, as such term is defined in the bill, and the Commission shall approve such investment as set forth in the bill. Such approval shall constitute an affirmative and binding determination by the Commission, to be applied in all subsequent proceedings respecting the rates of the electrical corporation, that such investment is prudent and reasonable, that the replacement resource is necessary for the electrical corporation's provision of electric service to its customers, and that such investment shall be reflected in the revenue requirement used to set the electrical corporation's base rates. The approval is subject only to the Commission's authority to determine that the electrical corporation did not manage or execute the project in a reasonable and prudent manner in some respect and the Commission's authority to disallow for ratemaking purposes only that portion of the investment that would not have been incurred had the unreasonable or imprudent management or execution of the project not occurred.

The changes in the electrical corporation's revenue requirement that shall be deferred to a regulatory asset or liability shall only consist of items listed in the bill.

The time frame for proceedings on a petition to have investment in replacement resources approved are outlined in the bill (Section 393.1705).

An electrical corporation may petition the Commission for a determination of the ratemaking principles and

treatment, as proposed by the corporation, that will apply to the reflection in base rates of the electrical corporation's capital and noncapital costs associated with one or more of the corporation's coal-fired facilities.

If the Commission fails to issue a determination within 215 days that a petition for a determination of ratemaking principles and treatment is filed, the ratemaking principles and treatment proposed by the petitioning electrical corporation shall be deemed to have been approved by the Commission.

The factors and circumstances to which such principles and treatment apply are listed in the bill. If the electrical corporation determines that one or more major factor or circumstance has changed in a manner that warrants a change in the approved ratemaking principles and treatment, then it shall file a notice in the docket within 45 days of such determination.

A party that has concerns about the proposed changes in principles and treatment shall file a notice of its concerns within 30 days of the electrical corporation's filing. If a party believes that one or more factor or circumstance warrants a change in the approved principles and treatment and the electrical corporation does not agree, such party shall file a notice within 45 days, and such notice shall include information as listed in the bill.

An electrical corporation shall be permitted to retain coal-fired generating assets in rate base and recover costs associated with operating the coal-fired assets that remain in service to provide greater certainty that generating capacity will be available to provide essential service to customers, including during extreme weather events, and the Commission may allow any portion of such cost recovery on the basis that such coal-fired generating assets operate at a low capacity factor, or are off-line and providing capacity only, during normal operating conditions (Section 393.1715).

This section modifies the definition of the population of a "rural area" from 1500 to 1600 inhabitants to be increased by 6% every 10 years after each census beginning in 2030 (Section 394.020).

The section allows the board of directors of a rural electric cooperative to set the time and place of the annual meeting and also to provide for voting by proxy, electronic means, by mail, or any combination thereof, and to prescribe the conditions under which such voting shall be exercised. The meeting requirement may be satisfied through virtual means. The provisions expire on August 28, 2022 (Section 394.120).

This section changes "a rural electric cooperative" to an "electric supplier" in the definition of "structure" or "structures". In the event that a retail electric supplier is providing service to a structure located within a city, town, or village that is no longer a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure (Section 394.315).

This section specifies that Article 9 of the Uniform Commercial Code relating to secured transactions shall not apply to the creation, perfection, priority, or enforcement of any sale, assignment of, pledge of, security interest in, or other transfer of, any interest or right or portion of any interest or right in any securitized utility tariff property, except as expressly provided in the bill (Section 400.9-109).

HCS HJR 35 -- STATE TREASURER INVESTMENTS

Upon voter approval, this proposed Constitutional amendment would authorize the State Treasurer to invest certain funds not necessary for current expenses in obligations of the United States government or any agency or instrumentality thereof maturing and becoming payable not more than seven years from the date of purchase, municipal securities possessing one of the five highest long term ratings or the highest short term rating issued by a nationally recognized rating agency and maturing and becoming payable not more than five years from the date of purchase, and may also invest in other reasonable and prudent financial instruments and securities as otherwise provided by law.

TRULY AGREED TO AND FINALLY PASSED
SENATE BILLS

SS SB 2 -- MISSOURI WORKS PROGRAM

The bill allows Missouri Works program benefits, established under Sections 620.2000 to 620.2020, RSMo, for qualified military projects to be based on both part time and full time jobs created by such projects.

The bill contains an emergency clause.

SB 5 -- ADVANCED INDUSTRIAL MANUFACTURING ZONES

Currently, no AIM Zone may be established after August 28, 2023. This bill extends the date to August 28, 2030.

HCS SS SB 6 -- INSURANCE

This bill modifies several provisions of statute relating to insurance.

MISSOURI NATIONAL GUARD (Section 41.201, RSMo)

This bill provides that members of the Missouri National Guard will be considered state employees for the purpose of operating state-owned vehicles for official state business, unless such members are called into active federal military service.

CERTIFICATES OF SELF-INSURANCE (Section 303.220)

This bill allows any religious denomination that discourages its members from purchasing insurance as being contrary to its religious tenets but has more than 25 members with motor vehicles, to qualify as a self-insurer by obtaining a self-insurance certificate issued by the Director of the Department of Revenue.

Currently, a religious denomination can only qualify if it prohibits its members from purchasing insurance of any form.

MOTOR CLUBS (Sections 304.153, 385.220, 385.320, and 385.450)

This bill modifies the existing definition of "motor club" in Section 304.153, which relates to tow companies or tow lists utilized by law enforcement and state transportation employees, to a legal entity that, in consideration of dues, assessments, or periodic payments of money, promises to provide motor club services to its members or subscribers. Motor club services include services relating to motor travel, which may include but are not limited to towing services, emergency road services, bail bond services, discount services, theft services, map services, touring services, legal fee reimbursement services in the defense of traffic offenses, and participation in an accident and sickness or accidental death insurance benefit program.

The bill also specifies that fees collected from the sale of motor club contracts are not subject to premium tax, and provides that motor clubs complying with the provisions of the bill will not be subject to provisions governing insurance companies in this state.

CONTINUING EDUCATION CREDITS FOR INSURANCE PRODUCERS (Section 375.029)

This bill allows an insurance producer to receive up to four hours of continuing education credit per biennial reporting period for participation as an individual member or employee of a business entity producer member of a local, regional, state, or national professional insurance association with approval by the Director of the Department of Commerce and Insurance.

An insurance producer shall not use continuing education credit granted under this section to satisfy continuing education hours required to be completed in a classroom or classroom-equivalent setting, or to satisfy any continuing education ethics requirements.

PETROLEUM STORAGE TANK INSURANCE FUND (Section 319.131)

Currently, the Petroleum Storage Tank Insurance Fund assumes costs of 3rd-party claims and cleanup of contamination caused by releases from petroleum storage tanks and pays legal defense costs for eligible 3rd-party claims. This bill specifies that the legal defense costs are separate from other coverage limits and allows the Fund to set a limit for such coverage.

LICENSING INSURANCE PRODUCERS (Sections 375.018 and 384.043)

This bill requires insurance producer licenses to be renewed on the producer's birth date instead of the anniversary date of issuance of such license.

CREDIT FOR REINSURANCE AS AN ASSET OR REDUCTION FROM LIABILITY OF AN INSURER (Section 375.246)

The bill authorizes the Director of the Department of Commerce and Insurance to promulgate certain rules, as specified in the bill, to establish requirements relating to or setting forth the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance agreements described in the bill, or the circumstances under which credit will be reduced or eliminated.

In addition to as currently provided by law, credit for reinsurance shall be allowed when the reinsurance is ceded to an assuming insurer meeting certain conditions. The assuming insurer shall have its head office or be domiciled in, as applicable, and licensed in a reciprocal jurisdiction, as such term is defined in the bill. The assuming insurer shall have and maintain minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction in an amount to be set forth by the Director by rule. If the assuming insurer is an association, it shall maintain the same, net of liabilities, and a central fund containing an amount to be set forth by rule. The assuming insurer shall have and maintain a minimum solvency or capital ratio, as applicable, which shall be set forth by rule. If the assuming insurer is an association, it shall have and maintain a minimum solvency and capital ratio in the reciprocal jurisdiction where the insurer has its head office or is domiciled, as applicable, and is also licensed. The assuming

insurer shall agree and provide adequate assurance to the Director that it will provide prompt written notice and explanation to the Director if it falls below minimum capital and surplus requirements outlined in the bill, or if any regulatory action is taken against it for serious noncompliance with the law. The assuming insurer shall consent in writing to the jurisdiction of the courts of this state and to the appointment of the Director as agent for service of process. The Director may require that the consent for service of process be provided for and included in each reinsurance agreement. These provisions shall not alter the capacity of the parties to a reinsurance agreement to agree to enforceable alternative dispute resolution mechanisms. The assuming insurer shall consent in writing to pay all final judgments obtained by a ceding insurer or its legal successor, where enforcement is sought, which have been declared enforceable in the jurisdiction where the judgment was obtained. Each reinsurance agreement shall require the assuming insurer to provide security, in an amount equal to 100% of the assuming insurer's liabilities attributable to reinsurance under the agreement, if the assuming insurer resists enforcement of an enforceable final judgment or arbitration award. The assuming insurer shall confirm that it is not presently participating in any solvent scheme of arrangement involving this state's ceding insurers, and shall agree to notify the ceding insurer and the Director and to provide security as specified by rule in an amount equal to 100% of the assuming insurer's liabilities to the ceding insurer should the assuming insurer enter into such a solvent scheme of arrangement. The assuming insurer or its legal successor shall provide, if requested by the Director, certain documentation as specified by rule. The assuming insurer shall maintain a practice of prompt payment of claims under reinsurance agreements as specified by rule. The assuming insurer's supervisory authority shall confirm to the Director on an annual basis that the assuming insurer complies with the minimum capital and surplus or solvency or capital ratio requirements specified in this bill. Nothing in these provisions precludes an assuming insurer from providing the Director with information on a voluntary basis.

This bill requires the Director to create and publish a list of reciprocal jurisdictions. The Director's list shall contain any jurisdiction meeting the definitions provided in the bill and shall consider any other reciprocal jurisdiction included on the list published by the National Association of Insurance Commissioners (NAIC). The Director may approve additional jurisdictions under rules promulgated by the Director. The Director may remove a jurisdiction from the list upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction, except that the Director shall not remove a non-United States jurisdiction that is subject to a covered agreement, as defined in the bill, or a United States jurisdiction that meets the requirements for NAIC accreditation.

The Director shall create and publish a list of assuming insurers that have satisfied the conditions set forth in this bill and to which cessions shall be granted credit as specified in the bill. The Director may add an assuming insurer to the list if an NAIC accredited jurisdiction has added the assuming insurer to such a list, or if the eligible assuming insurer submits certain information to the Director, as provided in the bill, and complies with any additional requirements the Director may adopt that are not in conflict with an applicable covered agreement.

If the Director determines an assuming insurer no longer meets one or more requirements for recognition under the bill, the Director may revoke or suspend the insurer's eligibility for recognition in accordance with the bill. While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended, or renewed after the date of suspension shall qualify for credit, except to the extent that the assuming insurer's obligations are secured as provided by law. If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of revocation with respect to any reinsurance agreement entered into by the insurer, before or after the revocation, except to the extent the insurer's obligations are secured as provided by law.

If subject to a legal process of rehabilitation, liquidation, or conservation, as applicable, the ceding insurer or its representative may seek a court order requiring that the assuming insurer post security for all outstanding liabilities.

Nothing in this bill shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree on requirements for security or other terms in that reinsurance agreement, except as expressly prohibited by law.

Credit may be taken under this bill only for reinsurance agreements entered into, amended, or renewed on or after December 31, 2021, and only with respect to losses incurred and reserves reported on or after the later of: the date on which the assuming insurer has met applicable eligibility requirements, or the effective date of the new reinsurance agreement, amendment, or renewal. Nothing in this bill shall alter or impair a ceding insurer's right to take credit for reinsurance under the bill as long as the reinsurance qualifies for credit under another applicable provision of law. Nothing in this bill shall limit or in any way alter the capacity of parties to any reinsurance agreement to renegotiate the agreement.

The bill authorizes the Director to adopt rules and regulations applicable to reinsurance agreements relating to certain life insurance policies, variable annuities with guaranteed benefits, long-term care insurance policies, and such other life and health insurance and annuity products as to which the NAIC adopts model rules with respect to credit for reinsurance. A rule adopted under these provisions regarding life insurance policies may apply to any treaty containing policies issued on or after January 1, 2015, or policies issued prior to January 1, 2015, if risk pertaining to such pre-2015 policies is ceded in connection with a treaty on or after January 1, 2015. A rule adopted under these provisions may require the ceding insurer, in calculating the amounts or forms of security required to be held, to use the NAIC valuation

manual to the extent applicable. Regulations adopted under this authority shall not apply to an assuming insurer that: meets the conditions set forth in this bill or, if this state has not fully implemented the provisions of this bill, is operating in at least five states that have implemented the provisions of this bill; is certified in this state; or maintains at least $250 million in capital and surplus as specified in the bill and is licensed in at least 26 states, or licensed in at least 10 states and licensed or accredited in at least 35 states. The authority to adopt regulations under these provisions does not limit the Director's authority to otherwise adopt regulations relating to credit for reinsurance.

ASSOCIATION HEALTH PLANS (Section 376.421)

This bill repeals the requirements that in order for an association to be issued a policy of group health insurance, the association shall have been organized and maintained for purposes other than obtaining health insurance, and that the association shall have been in existence for at least two years.

ISSUANCE OF FUNDING AGREEMENTS (Section 376.2080)

This bill specifies that life insurance companies may issue funding agreements, defined in the bill as an agreement for an insurer to accept and accumulate funds and to make one or more payments at future dates in amounts not based on mortality or morbidity contingencies of the person to whom the funding agreement is issued. Funding agreements shall not be deemed to constitute a security. The issuance of a funding agreement shall be deemed to be doing insurance business.

EXPLANATIONS OF REFUSAL TO WRITE AUTOMOBILE INSURANCE (Section 379.120)

Currently, if any insurer refuses to write a policy of automobile insurance, the insurer must send to the applicant a written explanation of the refusal which clearly states the reason for the refusal and that the applicant may be eligible for coverage through the assigned risk plan if other insurance is not available.

This bill exempts insurers from these requirements if the applicant is written on a policy of insurance issued by an affiliate or subsidiary insurer within the same insurance holding company system.

GROUP PERSONAL LINES PROPERTY AND CASUALTY INSURANCE (Sections 379.1800 to 379.1824)

The bill specifies that no policy of group personal lines property and casualty insurance shall be issued or delivered in the state unless it conforms to one of the categories described in the bill.

The bill describes policies issued to an employer or trustees of a fund established by an employer; policies issued to a labor union or similar employee organization; policies issued to a trust, or trustees of a fund, established by two or more employers or by one or more labor unions or similar employee organizations or by a combination thereof; and policies issued to an association or to a trust, or trustees of a fund, established for the benefit of members of one or more associations. For each, the bill specifies persons' eligibility for coverage under the policies and the sources of funds from which the policy premiums may be paid. For policies issued for the benefit of an association or associations, the bill further requires that the association or associations have at the outset at least 100 members, have been organized and maintained in good faith for purposes other than obtaining insurance, and have been in active existence for at least one year. The association's constitution and bylaws shall require that the association shall meet at least annually to further the purposes of the members, shall collect dues or solicit member contributions, and shall provide members with voting privileges and representation on the governing board and committees. Lastly, if compensation of any kind will be paid to the policyholder in connection with a group policy issued for the benefit of an association or associations, the insurer shall notify prospective insureds as required in the bill.

Group personal lines property and casualty insurance issued to a group other than one described above shall meet additional requirements. No such policy shall be issued or delivered in this state unless the Director of the Department of Commerce and Insurance finds that the issuance of the group policy is not contrary to the best interest of the public, would result in economies of acquisition or administration, and that the benefits are reasonable in relation to the premiums charged. No policy issued or delivered in another state shall offer coverage in this state unless the Director, or another state with comparable requirements, determines these additional requirements have been met. Premiums for these plans shall be paid from funds that are contributed by the policyholder, by covered persons, or by both. If compensation is to be paid to the policyholder in connection with the group policy, the insurer shall notify prospective insureds as specified in the bill.

For all group personal lines property and casualty insurance, master policies shall be issued to the policyholders, and eligible employees or members insured under a master policy shall be issued certificates of coverage setting forth a statement as to the insurance protection to which they are entitled. No master policy or certificate of insurance, nor any subsequent amendments to the policy forms, shall be issued or delivered in this state unless the forms and any amendments thereto have met the applicable filing requirements of this state. The master policy shall set forth coverages, exclusions, and conditions of the insurance provided, together with the terms and conditions of the agreement between the policyholder and insurer, as provided in the bill. If the master policy provides for remittance of premiums by the policyholder, failure by the policyholder to remit premiums timely paid by an employee or member shall not be considered nonpayment of premium by the employee or member.

The master policy shall provide a basic package of coverages and limits that are available to all eligible employees or members, including at least the minimum coverages and limits required in the employee's or member's state of residence or in the state where the subject property is located, and may offer additional coverages or limits to qualified employees or members

for an increased premium. The master policy shall provide coverage for all eligible employees or members who elect coverage during their initial period of eligibility, which may be up to 31 days. Employees or members who do not elect coverage during the initial period and later request coverage shall be subject to the insurer's underwriting standards. Coverage under a master policy may be reduced only as to all members of a class, and shall never be reduced to a level below the limits required by applicable law. Coverage under the master policy may be terminated as to an employee or member only for reasons specified in the bill. If optional coverages or limits are required by law to be available, the policyholder's acceptance or rejection of them on behalf of the group shall be binding on the employees or members. If the policyholder rejects any coverages or limits that are required by law to be provided unless rejected by the named insured, notice of the rejection shall be given to the employees or members upon or before delivery of their certificates of coverage. The bill prohibits the stacking of coverages or limits under a master policy, except that state law shall apply with regard to the stacking of coverages for separate certificates of coverage issued to relatives living in the same household.

No master policy or certificate of insurance shall be issued or delivered in this state unless the rating plan and amendments thereto have met applicable filing requirements of this state. Group insurance premium rates shall not be deemed to be unfairly discriminatory if adjusted to reflect past and prospective loss experience or group expense factors, or if averaged broadly among persons covered under the master policy. The rates likewise shall not be deemed unfairly discriminatory if they do not reflect individual rating factors including surcharges and discounts required for individual personal lines property and casualty policies. Experience refunds or dividends may be paid to the policyholder of a group personal lines property and casualty policy if justified by the insurer's experience under that policy. However, if an experience refund or dividend is paid, it shall be applied for the sole benefit of the insured employees or members to the extent it exceeds the policyholder's contribution to premiums for the applicable period.

An insurer issuing or delivering group personal lines property and casualty insurance shall maintain separate statistics as to the loss and expense experience pertinent thereto. No insurer shall issue or deliver a policy if purchasing insurance is a condition of employment or membership in the group, or if any employee or member shall be penalized for nonparticipation. The bill prohibits insurers from issuing or delivering a policy if the purchase is contingent on purchase of other insurance, product, or services, or on the purchase of additional coverage under the policy, except as specified in the bill. The insurer's experience from the policies shall be included in the determination of its participation in residual market plans. For purposes of premium taxes, the insurer shall allocate premiums in accordance with the rules for individual personal lines policies, except that the allocation may be based on an annual survey of the insureds. Premiums shall be apportioned among states without differentiation between the source of payment.

The bill requires persons acting as an insurance broker or agent in connection with the policies to be licensed in this state as an insurance producer, except as otherwise specified in the bill and provides that the signature of a licensed producer residing in this state shall not be required for issuance or delivery of a policy.

Regarding termination of coverage, the bill requires insurers to give 30 days written notice, as specified in the bill, to persons whose coverage is being terminated for reasons other than by their own request or a failure to pay premiums. The employee or member whose coverage is terminated shall be entitled to be issued a comparable individual policy if he or she applies and pays the first premium within 30 days of receiving the notice. These notice and replacement policy provisions shall not apply if the master policy is replaced within 30 days.

The bill further requires insurers to be duly licensed, specifies that the bill is not applicable to mass marketing of individual policies, excludes certain credit insurance, specifies that it does not apply to or modify motor vehicle insurance, and provides that it shall not modify the authority of the Director with respect to consumer complaints or disputes.

These provisions shall take effect on January 1, 2022. A master policy or certificate of insurance that is lawfully in effect at that time shall comply with this bill within 12 months of such date.

INSURANCE HOLDING COMPANIES (Sections 382.010, 382.110, 382.176, 382.177 and 382.230)

The bill modifies provisions related to insurance holding companies. The chief executive officer of every insurer subject to registration shall file an annual group capital calculation as directed by the Director of the Department of Commerce and Insurance in accordance with the National Association of Insurance Commissioners (NAIC) group capital calculation instructions and using the procedures within the Financial Analysis Handbook adopted by the NAIC. Several insurance holding company systems are exempt from filing the group capital calculation as outlined in the bill.

The lead state director has the discretion to exempt the ultimate controlling person from filing the annual group capital calculation or to accept a limited group capital filing or report in accordance with criteria as specified in regulations promulgated by the director. Any insurance holding company system, as determined by the Director of the lead state, that no longer meets one or more of the requirements for an exemption from filing the group capital calculation under this section, such insurance holding company system shall file the group capital calculation at the next annual filing date unless given an extension by the director of the lead state based on reasonable grounds shown.

The chief executive officer of every insurer subject to registration and also scoped into the NAIC liquidity stress test framework shall file the results with the Director of the insurance holding company system of a specific year's liquidity stress test. Any change to the NAIC liquidity stress test framework or to the data year for which the scope criteria are to be measured

shall be effective on January first of the year following the calendar year in which such changes are adopted. Insurers meeting at least one threshold of the scope criteria are considered scoped into the NAIC liquidity stress test framework for the specified data year unless the Director, in consultation with the NAIC Financial Stability Task Force or its successor, determines the insurer shall not be scoped into the framework for that data year.

Insurers that do not trigger at least one threshold of the scope criteria are considered scoped out of the NAIC liquidity stress test framework for the specified data year, unless the Director, in consultation with the NAIC Financial Stability Task Force or its successor, determines the insurer shall be scoped into the framework for that data year. To avoid having insurers scoped into and out of the NAIC liquidity stress test framework on a frequent basis, the Director, in consultation with the Financial Stability Task Force or its successor, shall assess this concern as part of the determination for an insurer. The bill also requires the performance of, and filing of the results from, a specific year's liquidity stress test shall comply with the NAIC liquidity stress test framework's instructions and reporting templates for that year and any director determinations, in conjunction with the Financial Stability Task Force or its successor, provided within the framework.

All of the information and documents given to the Department of Commerce and Insurance are considered proprietary and to contain trade secrets and shall be given confidential treatment and privileges.

CCS#2 HCS SS#2 SB 26 -- PUBLIC SAFETY

CORRECTIONS (Sections 56.380, 56.455, 105.950; 149.071, 149.076, 214.392, 217.010, 217.030, 217.243, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.665, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 575.206, 589.042, 650.055, and 650.058, RSMo)

This bill updates statute by replacing the "Department of Corrections and Human Resources" with "Department of Corrections" and the "Board of Probation and Parole" with the "Division of Probation and Parole" or "Parole Board".

This bill also adds that the chairperson of the parole board shall employ employees as is necessary to carry out duties, serve as the appointing authority over such employees, and provide for appropriate training to members and staff.

This bill repeals the provision that the chairperson of the board shall also be the Director of the Division of Probation and Parole.

This bill authorizes sentence review for any person who was under 18 years of age at the time of the commission of the offense and has been sentenced to a term of imprisonment for 15 or more years, or multiple terms that, when taken together, amount to 15 or more years. This provision does not apply to those found guilty of murder in the first degree or capital murder who were under 18 years of age at the time of the offense or offenses and who may be ineligible for parole or whose parole eligibility is controlled elsewhere in statute.

Currently, a person who is serving a term of imprisonment receives credit toward his or her service of a sentence for all the person's time in prison, jail, or custody after the offense occurred. This bill changes that to after conviction. Additionally, the court may, when pronouncing a sentence, award credit for time spent in prison, jail or custody after the offense occurred and before conviction. These changes apply to offenses occurring on or after August 28, 2021.

LOCAL LAW ENFORCEMENT BUDGETS (Section 67.030)

Currently, the governing body of each political subdivision may revise, alter, increase, or decrease items in a proposed budget. This bill provides that any taxpayer of a political subdivision may initiate an action for injunctive relief, which the court shall grant, if the governing body of such political subdivision decreases the budget for its law enforcement agency by an amount exceeding more than 12% relative to the proposed budgets of other departments of the political subdivision over a five-year aggregate amount.

REGULATION OF CERTAIN STRUCTURES (Section 67.301)

This bill prohibits any city, county, town, village, or political subdivision from adopting or enforcing an ordinance, order, or regulation that requires a permit for the installation or use of a battery-charged fence in addition to an alarm system permit issued by the city, county, town, village, or political subdivision. Additionally, political subdivisions cannot adopt an ordinance or order that imposes installation requirements for such fences or alarm systems or prohibits the use of a battery-charged fence.

As used in the bill, a battery-charged fence is a fence that interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal to summon law enforcement in response to a burglary. The fence must be located on a property not designated for residential use and produce not more than 12 volts of direct current, as well as meet other specifications as provided in the bill.

SECURITY MEASURES ON PRIVATE PROPERTY (Section 67.494)

This bill provides that the General Assembly occupies and preempts the entire field of legislation regarding in any way the regulation of physical security measures around private property to the complete exclusion of any order, ordinance, policy, or regulation by any village; town; city, including any home rule city; or county in this state. Any existing or future order, ordinance, policy, or regulation in this field is or shall be null and void.

The bill does not prohibit municipalities and counties from regulating the aesthetics of physical security

measures; access to the public right-of-way, a sidewalk, or utility easement; the structural soundness of physical security measures; or changes to the drainage of a property.

POLICE COMMISSIONERS (Section 84.400)

This bill provides that a member of the Kansas City board of police commissioners or any member of such police force may be appointed to serve on any state or federal board, commission, or task force where no compensation for such service is paid, except that such board member may accept a per diem or reimbursement for necessary expenses for attending meetings.

EMERGENCY SERVICES (Sections 190.307 and 650.335)

This bill specifies that nothing in Section 190.307 will be deemed to abrogate any immunity that would exist in the absence of the section, including, but not limited to, sovereign immunity, official immunity, or the public duty doctrine.

The bill specifies that if a county has an elected emergency services board, the board will be eligible for certain loan funds or other financial assistance.

PESTICIDE CERTIFICATION AND TRAINING (Sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.048, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101)

The bill modifies provisions relating to pesticide certification and training.

This bill repeals a provision allowing the Director of the Department of Agriculture to provide by regulation for the one-time emergency purchase and use of a restricted use pesticide by a private applicator. The Director may, by regulation, classify licenses, including a license for noncertified restricted use pesticide applicators.

No individual shall engage in the business of supervising the determination of the need for the use of any pesticide on the lands of another without a certified commercial applicator's license issued by the Director. No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of any restricted pesticide on the land of another unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified commercial applicator in which case the certified commercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified commercial applicator's direct supervision.

No certified noncommercial applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified noncommercial applicator or the certified noncommercial applicator's employer unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified noncommercial applicator in which case the certified noncommercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified noncommercial applicator's direct supervision.

No pesticide technician shall use or determine the need for the use of any pesticide unless there is a certified commercial applicator, certified in categories as specified by regulation, working from the same physical location as the licensed pesticide technician. A pesticide technician may complete retraining requirements and renew the technician's license without a certified commercial applicator working from the same physical location.

No certified private applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified private applicator or the certified applicator's employer unless such individual is licensed as a certified private applicator or a certified provisional applicator.

A private applicator shall qualify for a certified private applicator's license or a certified provisional applicator's license by attending an approved program, completing an approved certification course, or passing a certification examination as listed in the bill.

The University of Missouri extension may collect reasonable fees for training and study materials, for attendance of a certification training program, and for an online certification training program. Such fees shall be assessed based on the majority decision of a review committee convened every five years by the Director. The committee shall be composed of members as specified in the bill.

A certified private applicator holding a valid license may renew their license for five years upon successful completion of recertification training or by passing the required private applicator certification examination.

On the date of the certified provisional private applicator's 18th birthday, his or her license will automatically be converted to a certified private applicator license reflecting the original expiration date from issuance. A certified provisional private applicator's license shall expire five years from date of issuance and may then be renewed as a certified private applicator's license without charge or additional fee.

A provision allowing a private applicator to apply for a permit for the one-time emergency purchase and use of restricted use pesticides is repealed.

No certified public operator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified public operator in which case the certified public operator shall be liable for any use of a restricted used pesticide by an individual operating under the certified public operator's direct supervision.

Any person who volunteers to work for a public agency may use general use pesticides without a license under

the supervision of the public agency on lands owned or managed by the state agency, political subdivision, or governmental agency.

An application for a noncertified restricted use pesticide applicator's license shall follow requirements as set forth in the bill and once licensed, a restricted use pesticide applicator shall use pesticides as set forth in the bill, including when under supervision of another individual licensed by the Department of Agriculture.

Each pesticide dealership location or outlet from which restricted use pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to the end user shall have at least one individual licensed as a pesticide dealer. No individual shall be issued more than one pesticide dealer license. Each mobile salesperson possessing restricted use pesticides for distribution or sale shall be licensed as a pesticide dealer.

The bill requires each applicant for a pesticide dealer's license to pass a pesticide dealer examination provided by the Director.

Licensed certified applicators, licensed noncertified restricted use pesticide applicators, licensed pesticide technicians, and licensed pesticide dealers shall notify the Department within 10 days of any conviction of or plea to any offense listed in the bill.

The Director may issue a pesticide applicator certification on a reciprocal basis with other states without examination to a nonresident who is licensed as a certified applicator in accordance with the reciprocating state's requirements and is a resident of the reciprocating state.

The bill repeals a provision stating that a nonresident applying for certain pesticide licenses to operate in Missouri shall designate the Secretary of State as the agent of such nonresident upon whom process may be served unless the nonresident has designated a Missouri resident agent.

The bill prohibits any person to use or supervise the use of pesticides that are canceled or suspended. It is unlawful for any person not holding a valid certified applicator license in proper certification categories or a valid pesticide dealer license to purchase or acquire restricted use pesticides. Additionally, it is unlawful for any person to steal or attempt to steal pesticide certification examinations or examination materials, cheat on pesticide certification examinations, evade completion of recertification or retraining requirements, or aid and abet any person in an attempt to steal examinations or examination materials, cheat on examinations, or evade recertification or retraining requirements.

FLASHING LIGHTS ON MOTOR VEHICLES (Sections 304.022 and 307.175)

This bill adds vehicles and equipment owned, leased, or operated by a coroner, medical examiner, or forensic investigator of the County's Medical Examiner's Office, when responding to a crime scene, motor vehicle accident, workplace accident, or any location at which the services of those professionals have been requested by a law enforcement officer, to the list of vehicles authorized to use or display fixed, flashing, or rotating red or red and blue lights.

CERTAIN CRIMINAL OFFENDERS (Sections 311.060, 311.660, and 313.220)

This bill provides that the Supervisor of Liquor Control shall not prohibit a person from participating in the sale of alcohol solely on the basis of being found guilty of a felony offense, subject to certain exceptions. The bill also repeals language requiring an employer that has a liquor license to report to the Division of Liquor Control within the Department of Public Safety, the identity of any employee that has been convicted of a felony.

The bill specifies that the Missouri Gaming Commission will not prohibit a person from participating in the sale of lottery tickets solely on the basis of being found guilty of a criminal offense, but the person is not eligible to be a licensed lottery game retailer.

EXCURSION GAMBLING BOATS (Section 313.800, 313.805, and 313.812)

This bill modifies requirements that gaming facilities must be located on a boat, ferry, or other floating facility to allow a casino to be on a nonfloating facility within 1,000 feet of the Missouri or Mississippi River, as defined in the bill.

ACCESS TO PRIVATE PROPERTY (Section 542.525)

This bill prohibits any employee of a state agency or political subdivision of the state from placing a surveillance camera or game camera on private property without the consent of the landowner or landowner's designee, a search warrant, or permission from the highest ranking law enforcement chief or officer of the agency. If placed with the permission of the highest ranking officer, the camera must be facing a location that is open to public access or use and the camera is within 100 feet of the intended surveillance location.

OFFENSES INELIGIBLE FOR PROBATION (Section 557.045)

This bill adds to the offenses ineligible for probation any dangerous felony where the victim is a law enforcement officer, firefighter, or an emergency service provider, while in the performance of his or her duties.

SPECIAL VICTIMS (Section 565.058)

This bill provides that any special victim, as defined by law, shall not be required to reveal any current address or place of residence except to the court when in a judge's private chambers for the purpose of determining jurisdiction and venue. Additionally, any special victim may file a petition with the court alleging assault in any degree by using his or her identifying initials instead of his or her legal name if the petition alleges that he or she would be endangered by such disclosure.

SEXUAL CONDUCT IN THE COURSE OF PUBLIC DUTY (Section 566.145)

The bill provides that a law enforcement officer who engages in sexual conduct with a detainee or prisoner

who is in the custody of such officer shall be guilty of a class E felony. A person also commits the offense if the person is a probation and parole officer or a police officer or an employee of or a person assigned to work in a jail, prison, or correctional facility and the person has sexual conduct on duty and the offense is committed by means of coercion.

PROTECTION OF HEALTH CARE WORKERS (Sections 574.203 and 574.204)

This bill creates the offense of interference with a health care facility and the offense of interference with an ambulance service. A person commits the offense of interference with a health care facility if the person acts alone or with someone else to willfully or recklessly interfere with access to or from a health care facility or willfully or recklessly commits any of the acts specified in the bill. A person commits the offense of interference with an ambulance service if the person acts alone or with someone else to willfully or recklessly interfere with access to or from an ambulance or willfully or recklessly disrupt any ambulance service by committing any of the acts specified in the bill. The offense of interfering with a health care facility or an ambulance service is a class D misdemeanor for a first offense and a class C misdemeanor for a second or subsequent offense.

VANDALISM (Section 574.085)

Currently, a person commits the offense of institutional vandalism if he or she knowingly vandalizes certain structures. This bill provides that a person shall be guilty of a class E felony if he or she knowing vandalizes any public monument or structure on public property.

RAP BACK PROGRAM (Section 590.030)

This bill provides that, in addition to current requirements for licensure, peace officers must submit to being fingerprinted on or before January 1, 2022, for the purposes of a criminal history background check and enrollment in the state and federal Rap Back Program. Additionally, any time a peace officer is commissioned with a different law enforcement agency he or she must submit to being fingerprinted. The criminal history background check shall include the records of the Federal Bureau of Investigation. The resulting report shall be forwarded to the peace officer's law enforcement agency. The Rap Back enrollment shall be for the purposes of peace officer disciplinary reports as required by law. The bill also specifies that all law enforcement agencies must enroll in the state and federal Rap Back programs on or before January 1, 2022, and must remain enrolled. The agencies must take all necessary steps to maintain officer enrollment in the programs.

PUBLIC SAFETY FUND (Section 590.192)

This bill creates the "988 Public Safety Fund" within the state treasury and shall be used by the Department of Public Safety for the purposes of providing services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services.

LAW ENFORCEMENT OFFICER DISCIPLINARY ACTIONS (Section 590.502)

The bill specifies certain rights a law enforcement officer has when he or she is the subject of an administrative investigation or is being questioned or interviewed. These rights include being informed of the violation, requiring the complaint to be supported by a sworn affidavit, and allowing the officer to have an attorney or any duly authorized representative.

The bill provides that any law enforcement officer who is suspended without pay, demoted, terminated, transferred, or placed on a status resulting in economic loss is entitled to a full due process hearing. The hearing requirements are specified in the bill.

The bill defines a "law enforcement officer" as any commissioned peace officer, except the highest ranking officer in the law enforcement agency, who is employed by any unit of the state or any county, charter county, city, charter city, municipality, district, college, university, or any other political subdivision or by the Board of Police Commissioners, who possesses the power to arrest for violations of the criminal code.

USE OF FORCE TRANSPARENCY (Section 590.1265)

This bill establishes the "Police Use of Force Transparency Act of 2021", which provides that all law enforcement agencies must, at least annually, collect and report local data to the National Use of Force Data Collection through the Law Enforcement Enterprise portal administered by the Federal Bureau of Investigation on use-of-force incidents involving peace officers. Law enforcement agencies must also report such data to the Department of Public Safety. Information collected and reported must not include personally identifying information of individual officers. By June 30, 2022, the Department must develop standards and procedures governing the collecting and reporting of the data. The Department must publish the data reported by law enforcement agencies, and the data will be considered a public record, consistent with state law. The Department must analyze trends and disparities in the data and report the findings and make the report available to the public no later than January 1, 2025.

The provisions of this portion of the bill have a delayed effective date of January 1, 2022.

EXPUNGEMENT (Section 610.140)

This bill specifies that, for the purpose of a specific U.S. Code, an order of expungement granted under this section will be considered a complete removal of all effects of the expunged conviction.

SB 36 -- CAPITOL COMPLEX TAX CREDIT ACT

This bill creates the Capitol Complex Tax Credit Act.

The Capitol Complex Fund is authorized to receive any eligible monetary donation, as defined in the bill, and shall be segregated into two accounts: a rehabilitation and renovation account, and a maintenance account. Of the revenues deposited into the Fund, 90% shall

be placed in the rehabilitation and renovation account and 7.5% of revenues deposited in the Fund shall be placed in the maintenance account. The remaining 2.5% of the funds may be used for the purposes of fundraising, advertising, and administrative costs.

The choice of projects for which money is to be used, as well as the determination of the methods of carrying out the project and the procurement of goods and services, shall be made by the Commissioner of Administration. No moneys shall be released from the Fund for any expense without the approval of the Commissioner of Administration.

For all taxable years beginning on or after January 1, 2021, any qualified donor, as defined in the bill, shall be allowed a credit against any state income tax (except employer withheld taxes) or state taxes imposed on financial institutions for an amount equal to 50% of the monetary donation amount. Any amount of tax credit that exceeds the qualified donor's state income tax liability may be refunded or carried forward for the following four years.

For all taxable years beginning on or after January 1, 2021, a qualified donor shall be allowed a credit against any state income tax (except employer withheld taxes) or state taxes imposed on financial institutions for an amount equal to 30% of the value of the eligible artifact donation, as defined in the bill. Any amount of tax credit that exceeds the donor's tax liability shall not be refunded for artifacts, but the credit may be carried forward for four subsequent years.

The Department of Economic Development shall not issue tax credits for donations to the Capitol Complex Fund in excess of $10 million per year in the aggregate. Donations received in excess of the cap shall be placed in line for tax credits the following year. Alternatively, a donor may donate without receiving the credit or may request that their donation is returned.

Tax credits issued for donations under this bill are not subject to any fee. Tax credits issued under this bill may be assigned, transferred, sold, or otherwise conveyed.

This act shall sunset August 28, 2027, unless reauthorized by the General Assembly.

HCS SS SB 44 -- UTILITIES

This bill changes the provisions related to utilities.

RESTRICTING UTILITY SERVICE (Section 67.309, RSMo)

The bill prohibits any political subdivision of the state from adopting an ordinance, resolution, regulation, code, or policy that prohibits or has the effect of prohibiting the connection or reconnection of a utility service based on the type or source of energy to be delivered to an individual customer. A political subdivision may choose utility services for properties owned by the political subdivision and may protect public safety.

SERVICE TERRITORIES OF RETAIL ELECTRIC SERVICE PROVIDERS (Sections 91.025, 386.800, 393.106, 394.020, and 394.315)

The bill changes the provisions relating to service territories of retail electric service providers. In the event that a retail electric supplier is providing service to a structure located within a municipality that has ceased to be a rural area, and the structure is demolished and replaced by a new structure, the retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.

Additionally, in the absence of an approved territorial agreement, the municipally owned utility must apply to the Public Service Commission for an order assigning nonexclusive service territories and concurrently shall provide written notice of the application to other electric service suppliers with electric facilities located within a mile outside of the boundaries of the proposed expanded service territory. In granting the applicant's request, the Commission must give due regard to territories previously served by the other electric service suppliers and the wasteful duplication of electric service facilities.

Any municipally owned electric utility may extend its electric service territory to include areas where another electric supplier currently is not providing permanent service to a structure. If a rural electric cooperative has existing electric service facilities in the area proposed to be annexed, the majority of the existing developers, landowners, or prospective electric customers may submit a written request to the governing body of the annexing municipality to invoke mandatory good faith negotiations. These provisions also apply in the event an electrical corporation rather than a municipally owned electric utility is providing electric service in the municipality.

The bill also changes the term "fair and reasonable compensation" to be 200%, rather than 400%, of gross revenues less gross receipts taxes received by the affected electric service supplier from the 12 month period preceding the approval of the municipality's governing body. Additionally, this bill changes the definition of the population of a "rural area" to be increased by 6% every 10 years after each census beginning in 2030.

At the time that a municipally owned utility applies to the Public Service Commission for an order assigning nonexclusive service territories, the utility must concurrently provide written notice of the application to other electric service suppliers with electric facilities located within a mile outside of the boundaries of the proposed expanded service territory. In granting the applicant's request, the Commission must consider territories previously granted to or served by other electric service suppliers and the duplication of electric service facilities.

Any municipally owned electric utility may extend its electric service territory to include areas where another electric service supplier is not currently serving a structure but has existing electric service facilities located in or within a mile outside the boundaries of the

area proposed to be annexed, provided it first notifies in writing the affected electric service supplier within 60 days prior to the effective date of the proposed annexation. If the affected electric service supplier objects, it must follow procedures specified in the bill.

Responsibility for payment of fees set by the Commission to carry out its duties related to determining service territories are on the parties to the proceeding as ordered by the Commission in each case.

If an electrical corporation is providing electric service within a municipality and the corporation has previously received a certificate of convenience and necessity from the Commission to provide electric service in the annexed area or the area proposed to be annexed, certain provisions of the bill apply equally to the electrical corporation as if it were a municipally owned utility.

A municipality is not precluded from having a population of at least 1,600 inhabitants as of August 28, 2021, from requiring a rural electric cooperative to obtain a franchise to provide electric service, or to impose a sales tax, within the boundaries of the municipality.

ENERGY PROPERTY TAXATION (Sections 153.030 and 153.034)

Beginning January 1, 2022, the bill also provides that any real and personal property of any public utility that was constructed using financing under Chapter 100 will be valued and taxed upon the county assessor's local tax rolls. The property constructed using financing under Chapter 100 will be assessed using the methodology set forth in the bill.

COMMON SEWER DISTRICTS (Section 204.569)

Currently, when an unincorporated sewer subdistrict of a common sewer district has been formed, the board of trustees of the common sewer district has the power to issue bonds with assent of 4/7 of the voters of the subdistrict on the question. The bill states that as an alternative to such vote, if the subdistrict is a part of a common sewer district located in whole or in part in certain counties, bonds may be issued for the subdistrict if the question receives the written assent of 3/4 of the customers of the subdistrict.

PUBLIC SERVICE COMMISSION ASSESSMENT (Section 386.370)

Currently, the Public Service Commission can assess no more than 0.25% of the total gross intrastate operating revenues against all utilities under the jurisdiction of the Commission for the cost of regulating such utilities. The bill changes the assessment rate to no more than 0.315% of the total gross intrastate operating revenues.

WATER AND SEWER INFRASTRUCTURE (Sections 393.1500 to 393.1509)

Currently, water corporations with more than 1,000 customers are required to use a competitive bidding process for no less than 10% of the corporation's external expenditures for planned infrastructure projects on the water corporation's distribution system. This bill requires a competitive bidding process be used for 20% of the corporation's external expenditures for such projects.

The bill also establishes the "Missouri Water and Sewer Infrastructure Act", which specifies that a water or sewer company may file a petition and proposed rate schedules with the Public Service Commission to create or change an infrastructure rate adjustment (WSIRA) that provides for the recovery of pretax revenues associated with eligible infrastructure projects. The WSIRA and any future changes must meet specific requirements.

The Commission cannot approve a WSIRA for a water or sewer corporation that has not had a general rate proceeding decided or dismissed within the past three years of the filing of a WSIRA petition unless the corporation has filed for or is the subject of a pending general rate proceeding. A corporation cannot collect a WSIRA for more than three years unless the corporation has filed for or is the subject of a new rate proceeding. In such case, the WSIRA can be collected until the effective date of the new rate schedules.

At the time the corporation files a petition to establish or change a WSIRA, it must submit proposed WSIRA rate schedules and supporting documentation, and it must also serve the Office of Public Counsel with a copy of the petition, rate schedules, and documentation. Upon filing, the Commission must publish a notice of the filing, and conduct an examination of the proposed WSIRA, as specified in the bill. The Commission may hold a hearing on the petition and any associated WSIRA rate schedules. If the Commission finds that a petition complies with the requirements, the Commission must enter an order authorizing the corporation to implement the WSIRA. A corporation may effectuate a change in its WSIRA no more than twice in every 12-month period.

The bill specifies information the Commission may consider in determining the appropriate pretax revenues and how the WSIRA is calculated. If this information is unavailable and the Commission has not provided it on an agreed-upon basis, the Commission must use the last authorized overall pretax weighted average cost of capital for a WSIRA or the last authorized overall pretax weighted average cost of capital in a general rate proceeding for the corporation. At the end of each 12-month period that the WSIRA is in effect, the corporation must reconcile the differences between the revenues from a WSIRA and the appropriate pretax revenues found by the Commission for that period and submit the reconciliation and proposed WSIRA to the Commission for approval to recover or credit the difference.

A corporation that has a WSIRA must file revised WSIRA schedules when new base rates and charges become effective following a general rate proceeding that includes the WSIRA eligible costs in the base rates. Once the eligible costs are included in corporation's base rates, the corporation must reconcile any previously unreconciled WSIRA revenues to ensure that revenues resulting from the WSIRA match as closely as possible the appropriate pretax revenues.

A corporation's filing of a petition to establish or change a WSIRA is not considered a request for a general increase in the corporation's base rates and charges. Nothing in this bill impairs the authority of the Commission to review the prudence or eligibility of specific projects in the proposed WSIRA. The Commission may take into account any change in business risk to the water or sewer corporation resulting from the WSIRA when setting the allowed return in a general rate proceeding.

The provisions of the Missouri Water and Sewer Infrastructure Act expire on December 31, 2031.

RURAL ELECTRIC COOPERATIVES (Section 394.120)

The bill specifies that, the board of directors of a rural electric cooperative shall have the power to set the time and place of the annual meeting and also to provide for voting by proxy, electronic means, by mail, or any combination thereof, and to prescribe the conditions under which such voting shall be exercised. The meeting requirement may be satisfied through virtual means.

This provision expires on August 28, 2022.

SS SB 45 -- FIREFIGHTERS

This bill allows for the creation of a Voluntary Firefighter Cancer Benefits Pool by three or more political subdivisions. The bill specifies that, any political subdivision may make contributions to a Voluntary Firefighter Cancer Benefits Pool. The board of trustees of any pool created for the purposes of this bill is subject to the Sunshine Law. The Pool is allowed to make payments to covered individuals based upon the type of cancer with which the covered individual was diagnosed.

Benefits may be reduced by 25% if the covered individual used a tobacco product within the 5 years immediately preceding the cancer diagnosis.

If any individual that receives benefits under this bill thereafter receives Workers' Compensation Benefits for the same injury, then the Workers' Compensation Benefits or death benefits shall be reduced 100% by any benefits received from the Pool under this bill.

Furthermore, the employer in any Workers' Compensation claim shall be subrogated to the right of the employee or to the dependent or domestic partner to receive benefits from the Pool and such employer may recover any amounts which such employee or the dependent or domestic partner would have been entitled to recover from the Pool under this bill. Any receipt of benefits from the Pool under this bill shall be treated as an advance payment by the employer, on account of any future installments of Workers' Compensation Benefits.

Any Pool created for the purposes of this bill may accept or apply for grants or donations from any private or public source. Furthermore, any such Pool may apply for grants from the State Fire Marshal. This provision expires June 30, 2023.

The bill also amends a provision of law relating to disbursement of grants to volunteer fire protection association workers' compensation insurance premiums for volunteer firefighters. Current law requires the State Fire Marshal to disburse such grants to any applying association. This bill permits such disbursement.

HCS SCS SB 49 -- PUBLIC SAFETY

This bill modifies provisions relating to public safety.

BOAT DEALERS (Section 301.550, RSMo)

The bill waives the requirement that an entity must sell at least 6 vessels or vessel trailers in a calendar year in order to qualify as a boat dealer, provided the entity is a licensed boat manufacturer that custom manufactures boats for use with biological research and management equipment for fisheries, or for use with scientific sampling and for geological or chemistry purposes.

PERMANENT VESSEL REGISTRATION (Section 306.030)

The bill provides that vessels may be issued a permanent certificate of number upon payment of three times the fee specified for the vessel under this section and three times the processing fee required for a three-year certificate of number. Permanent certificates of number cannot be transferred to any other person or vessel, or displayed on any vessel other than the vessel for which it was issued, and will continue in force and effect until terminated or discontinued as provided by law.

PERMITTED BOAT DOCKS AND OBSTRUCTIONS CAUSED BY VESSELS (Section 306.221)

This bill prohibits vessels positioned within 100 feet of a permitted boat dock from being anchored in a manner that obstructs ingress or egress of watercraft to or from the dock, unless authorized by the boat dock permit holder. The bill also prohibits persons from securing a vessel to or entering upon a private permitted boat dock unless authorized to do so by the boat dock permit holder, or as specified in the bill. A violation of these provisions will be an infraction.

NEW MOTOR VEHICLE SAFETY INSPECTIONS (Section 307.380)

New motor vehicles are exempted from the requirement that motor vehicles receive a safety inspection immediately prior to their sale regardless of any current certificate of inspection and approval.

MISSOURI CYBERSECURITY ACT (Section 650.125)

This bill establishes the "Missouri Cybersecurity Commission" within the Department of Public Safety for the purpose of identifying risk to state and critical infrastructure with regard to cyber attacks. The Commission will be funded by appropriation, and any expenditure constituting more than 10% of the Commission's annual appropriation must be based on a competitive bid process. The Commission will advise

the Governor on the state of cybersecurity in the state, obtain data from certain public entities specified in the bil, and make recommendations to reduce the state's risk of cyber attack. The Commission must present an annual report to the Governor by December 31st of each year, which report shall be held confidential.

SS#2 SCS SBs 51 & 42 -- CIVIL ACTIONS

This bill establishes provisions of law relating to liability in COVID-19 related actions.

COVID-19 EXPOSURE ACTION (Section 573.1005, RSMo)

No individual or entity engaged in businesses, services, activities, or accommodations shall be liable in any COVID-19 exposure action, as defined in the bill, unless the plaintiff can prove by clear and convincing evidence that:

(1) The individual or entity engaged in recklessness or willful misconduct that caused an actual exposure to COVID-19; and
(2) The actual exposure caused personal injury to the plaintiff.

Additionally, no religious organization, as defined in the bill, shall be liable in any COVID-19 exposure action, unless the plaintiff can prove intentional misconduct.

There is a rebuttable presumption of an assumption of risk by a plaintiff in an exposure claim when the individual or entity posts and maintains signs in a clearly visible location at the entrance of the premises or provides written notice containing the warning notice specified in the bill. No religious organization shall be required to post or maintain a sign or provide written notice containing the warning notice.

Any adoption or change to a policy, practice, or procedure by an individual to address or mitigate the spread of COVID-19 after the exposure shall not be considered evidence of liability or culpability. Additionally, nothing in this provision shall require an individual or entity to establish a written or published policy addressing the spread of COVID-19, including any policy requiring or mandating vaccination or requiring proof of vaccination.

No individual or entity shall be held liable for the acts or omissions of a third party unless the individual or entity has an obligation under general common law principles or the third party was an agent of the individual or entity.

A COVID-19 exposure action shall not be commenced in any Missouri court later than two years after the date of the actual, alleged, feared, or potential exposure to COVID-19.

COVID-19 MEDICAL LIABILITY ACTION (Section 573.1010)

A health care provider, as defined in the bill, shall not be liable in a COVID-19 medical liability action, as defined in the bill, unless the plaintiff can prove recklessness or willful misconduct by the health care provider and that the personal injury was caused by such recklessness or willful misconduct. An elective procedure that is delayed for good cause shall not be considered recklessness or willful misconduct.

A COVID-19 medical liability action may not be commenced in any Missouri court later than one year after the date of the discovery of the alleged harm, damage, breach, or tort unless tolled for proof of fraud, intentional concealment, or the presence of a foreign body which has no therapeutic or diagnostic purpose or effect.

COVID-19 PRODUCTS LIABILITY ACTION (Section 537.1015)

No individual or entity who designs, manufactures, imports, distributes, labels, packages, leases, sells, or donates a covered product, as defined in the bill, shall be liable in a COVID-19 products liability action, as defined in the bill, if the individual or entity:

(1) Does not make the covered product in the ordinary course of business;
(2) Does make the covered product in the ordinary course of business and the emergency due to COVID-19 requires the product to be made in a modified manufacturing process that is outside the ordinary course of business; or
(3) Does make the covered product in the ordinary course of business and use of the covered product is different from its recommended purpose and used in response to the COVID-19 emergency.

For a plaintiff to prevail in a COVID-19 products liability action, the plaintiff shall prove, by clear and convincing evidence, recklessness or willful misconduct by the individual or entity and that such recklessness or misconduct caused the personal injury.

This bill shall not apply to any fraud in connection with the advertisement of a covered product. This provision applies to any claim for damages that has a causal relationship with the administration to or use by an individual of a covered product. Additionally, this provision shall apply only to covered products administered or used for the treatment of or protection against COVID-19 and applies to any such covered product regardless of whether the product is obtained by donation, commercial sale, or any other means of distribution by federal, state, or local officials or by the private sector.

A COVID-19 liability action shall not be commenced later than two years after the date of the alleged harm, damage, breach, or tort unless tolled for proof of fraud or intentional concealment.

PUNITIVE DAMAGES IN COVID-19 RELATED ACTIONS (Section 537.1020)

Punitive damages may be awarded in any COVID-19 related action, but shall not exceed an amount in excess of nine times the amount of compensatory damages.

APPLICATION OF THIS BILL (Sections 537.1035)

The provisions of this bill expire four years after the effective date of this bill.

This bill creates a new cause of action and replaces any such common law cause of action. Furthermore, this bill preempts and supersedes any state law related to the recovery for personal injuries covered under a COVID-19 related action unless the provisions of state law impose stricter limits on damages or liabilities for personal injury, or affords greater protection to defendants in any COVID-19 related action. Any such provision of law shall be applied in addition to the requirements of this bill. The provisions of this bill shall not expand any liability or limit any defense otherwise available.

This bill shall not be construed to:

(1) Affect the applicability of the Workers' Compensation Law or chapters of law relating to discriminatory practices, employee-employer relations, and landlord-tenant relations for residential property;
(2) Impair, limit, or affect the authority of the state or local government to bring any criminal, civil, or administrative enforcement actions against any individual or entity nor shall it affect causes of action for intentional discrimination;
(3) Require or mandate a vaccination or affect the applicability of any provision of law creating a cause of action for a vaccine-related personal injury;
(4) Prohibit an individual or entity engaged in businesses, services, activities, or accommodations from instituting a cause of action regarding an order issued by the state or local government that requires an individual or entity to temporarily or permanently cease the operation of such business;
(5) Affect the applicability of any provision of law providing a cause of action for breach of a contract insuring against business interruption or for failure or refusal to pay a contract insuring against business interruption;
(6) Affect the applicability of any provision of law providing a cause of action alleging price gouging, non-educational related canceled events, or payment of membership fees; and
(7) Affect the applicability of any provision of law providing a cause of action for breach of a contract against an educational institution for the refund of tuition or costs.

CCS HCS SS SCS SBs 53 & 60 -- THE ADMINISTRATION OF JUSTICE

ATTORNEY GENERAL RESIDENCY REQUIREMENT (Section 27.010, RSMo)

This bill repeals the provision that requires the Attorney General to reside at the seat of government.

SHERIFFS' SALARIES (Sections 50.327 and 57.317)

This bill repeals the base salary schedule for sheriffs contained in Section 59.317, sets the salary for a county sheriff in a county of the first or second classification equal to 80% of the compensation of an associate circuit judge, and establishes a new salary schedule based on county assessed valuation levels and given percentages of the compensation of an associate circuit judge.

The county sheriff in any county may not receive an annual compensation less than specified in this bill. Additionally, if the change results in a salary increase of less than $10,000, the increase will take effect on January 1, 2022. However, if the change results in an increase of $10,000 or more, the increase will take effect over a period of five years in 20% increments.

These provisions have a delayed effective date of January 1, 2022.

CORRECTIONS (Sections 56.380, 56.455, 105.950; 149.071, 191.1165, 214.392, 217.010, 217.030, 217.195, 217.199, 217.243, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 217.845, 221.065, 221.105, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 575.206, 589.042, 650.055, and 650.058)

This bill modifies several provisions relating to the Department of Corrections as well as jails.

This bill updates statute by replacing the "Department of Corrections and Human Resources" with "Department of Corrections" and the "Board of Probation and Parole" with the "Division of Probation and Parole" or "Parole Board".

This bill also adds that the chairperson of the parole board shall employ employees as is necessary to carry out duties, serve as the appointing authority over such employees, and provide for appropriate training to members and staff.

This bill repeals the provision that the chairperson of the board shall also be the Director of the Division of Probation and Parole.

Under this bill, the Department of Corrections and all other state entities responsible for the care of persons detained or incarcerated in jails or prisons shall be required to ensure all such persons are assessed for substance abuse disorders; shall make available certain medication-assisted treatment services, consistent with a treatment plan developed by a physician; and shall not impose any arbitrary limitations on the type of medication or other treatment prescribed or dose or duration of the recommended services.

This bill also modifies the list of covered medications to include formulations of buprenorphine other than tablets and formulations of naltrexone including extended-release injectable formulations.

This bill provides that offenders who receive funding from the federal Coronavirus Aid, Relief, and Economic Security (CARES) bill shall use such funds to make restitution payments ordered by a court resulting from a conviction of a violation of any local, state, or federal law.

Currently, the chief administrative officer of a correctional center may operate a canteen or commissary for the use and benefit of the offenders with the approval of the Division Director. Each correctional center keeps revenues received from the canteen or commissary to purchase the goods sold and other operating expenses.

This bill specifies that the Director of the Department of Corrections must approve the creation and operation of any canteen or commissary. This bill also creates the "Inmate Canteen Fund" in the State Treasury, which shall consist of funds received from the inmate canteens. Any proceeds generated from this Fund shall be expended solely for the purpose of improving inmate recreational, religious, educational, and reentry services.

This bill repeals the current "Inmate Canteen Fund", which receives the remaining funds from sales of the canteen or commissary.

This bill also provides that the Director of Corrections and any sheriff or jailer who holds a person in custody shall ensure that an appropriate quantity of feminine hygiene products are available at no cost to female offenders while confined in any correctional center or jail. The General Assembly may appropriate funds to assist with the funding of this requirement. These provisions are subject to an emergency clause.

Currently, the Department of Corrections shall issue a reimbursement to a county for the actual cost of incarceration of a prisoner not to exceed certain amounts as provided in the bill. However, the amount shall not be less than the amount appropriated in the previous fiscal year. This bill repeals the provision that the amount reimbursed to counties shall not be less than the amount appropriated in the previous fiscal year.

Currently, a person who is serving a term of imprisonment receives credit toward his or her service of a sentence for all the person's time in prison, jail, or custody after the offense occurred. This bill changes that to after conviction. Additionally, the court may, when pronouncing a sentence, award credit for time spent in prison, jail or custody after the offense occurred and before conviction. These changes apply to offenses occurring on or after August 28, 2021.

COURT COSTS COLLECTED BY SHERIFFS (Section 57.280)

Currently, sheriffs who serve any summons, writ, or other order of the court may collect fees in civil cases. These court fees are collected by the court clerk and held in certain state and local funds.

This bill provides that an additional charge of up to $50 may be received by a sheriff for service of any summons, writ, or other order of the court in connection with any eviction proceeding. All charges shall be collected by the sheriff prior to the service being rendered and paid to the county treasurer. The funds shall be held in a fund established by the county treasurer and may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties.

POLICE COMMISSIONERS (Section 84.400)

This bill provides that a member of the Kansas City Board of Police Commissioners or any member of such police force may be appointed to serve on any state or federal board, commission, or task force where no compensation for such service is paid, accept that such board member may accept a per diem or reimbursement for necessary expenses for attending meetings.

KANSAS CITY POLICE DEPARTMENT RESIDENCY REQUIREMENTS (Section 84.575)

This bill provides that the Board of Police Commissioners in Kansas City shall not require, as a condition of employment, that any currently employed or prospective law enforcement officer or other employee reside within any particular jurisdictional limit. Any current residency requirement in effect on or before August 28, 2021, shall not apply and shall not be enforced.

Additionally, the Board of Police Commissioners may impose a residency rule, but the rule or requirement shall be no more restrictive than requiring such personnel to reside within 30 miles from the nearest city limit and within the boundaries of the state of Missouri.

COMMUNICABLE DISEASES (Sections 191.677, 545.940, 575.155, and 575.157)

This bill modifies the laws regarding Human Immunodeficiency Virus (HIV), and applies the law to all serious infectious or communicable diseases instead of only HIV. A serious infectious or communicable disease is a non-airborne disease spread from person to person that is fatal or causes disabling long-term consequences in the absence of lifelong treatment and management.

It shall be a class D felony for a person knowingly infected with a serious infectious or communicable disease to be a blood, organ, sperm, or tissue donor, except as deemed necessary for medical research or deemed medically appropriate by a licensed physician; or to knowingly expose another person to a serious infectious or communicable disease through an activity that creates a substantial risk of transmission as determined by competent medical or epidemiological evidence. If the victim contracts a serious infectious or communicable disease, it is a class C felony. It shall be a class A misdemeanor for a person knowingly infected with a serious infectious or communicable disease to act in a reckless manner by exposing another person to a serious infectious or communicable disease through an activity that creates a substantial risk of transmission as determined by competent medical or epidemiological evidence.

It is an affirmative defense if the person exposed to the serious infectious or communicable disease knew that the infected person was infected and consented to the exposure with such knowledge.

When alleging a violation of the law against exposing another person to a communicable disease, the prosecuting attorney or grand jury must use a pseudonym to protect the victim of the crime.

This bill makes the crimes of offense of endangering a corrections employee and offense of endangering a Department of Mental Health employee apply to prisoners who are knowingly infected with any serious infectious or communicable disease and exposes another person to the disease. Currently, the law only applies to exposing the victim to HIV, Hepatitis B, or Hepatitis C.

ORENSIC EXAMINATIONS (Sections 191.1165, 192.2520, and 197.135)

This bill specifies that the coordinator for the statewide telehealth network must regularly consult with Missouri-based stakeholders and clinicians actively engaged in the collection of forensic evidence regarding the training programs offered by the network, as well as about the implementation and operation of the network. A provider will not be required to utilize the training offered by the statewide telehealth network regarding the collection of forensic evidence as long as the training utilized is at least equivalent to the training offered by the statewide telehealth network.

The bill specifies that, starting January 1, 2023, or no later than six months after the establishment of the statewide telehealth network, whichever is later, hospitals will be required to perform a forensic examination by an appropriate medical provider using an evidentiary collection kit upon the request and consent of the victim of a sexual offense or his or her guardian when the victim is at least 14 years old. Victims between 14 and 17 years old may be referred to a SAFE CARE provider for medical or forensic evaluation and case review.

A CHILD'S RIGHT TO COUNSEL (Section 211.211)

This bill specifies that if a child waives his or her right to counsel, such waiver shall be made in open court and be recorded and in writing. In determining whether a child has knowingly, intelligently, and voluntarily waived his or her right to counsel, the court shall look to the totality of the circumstances, as specified in the bill. If a child waives his or her right to counsel, the waiver shall only apply to that particular proceeding. The bill also specifies certain proceedings in which a child's right to counsel cannot be waived unless the child has had the opportunity to meaningfully consult with counsel and the court has conducted a hearing on the record.

JUVENILE JUSTICE (Sections 211.012, 211.181, and 211.435)

This bill specifies that, for the purposes of Chapter 211, Section 221.044, and the original jurisdiction of the juvenile court, if a person was considered an adult when the alleged offense or violation was committed, he or she will not later be considered a child. Currently, no court shall require a child to remain in the custody of the Division of Youth Services past the child's 18th birthday. This bill changes that provision so that a child can remain in the custody of the Division of Youth Services until the child's 19th birthday.

There is currently a state "Juvenile Justice Preservation Fund", which exists in the State Treasury. This bill changes this provision so that there is a Juvenile Justice Preservation Fund in each county's circuit court, and the purpose of this fund is to implement and maintain the expansion of juvenile court jurisdiction to 18 years of age. The surcharge collected under this section is payable to the county circuit court rather than to the State Treasury. Funds currently held by the State Treasurer in the Fund must be payable and revert to the circuit court's fund in the county of origination. Expenditures from the individual county juvenile justice funds will be made at the discretion of the juvenile office for the circuit court and must be used for the sole purpose of implementing and maintaining the expansion of juvenile court jurisdiction.

The bill states that, to further promote the best interests of the children of Missouri, money in the fund will not be used to replace or reduce the responsibilities of either the counties or the state to provide funding for existing and new juvenile treatment services.

These provisions are subject to an emergency clause.

JUVENILE DETENTION (Section 211.072)

The bill requires that a juvenile under 18 years of age who has been certified to stand trial as an adult for specified offenses and who is in a juvenile detention facility stay in that facility until the judgment dismissing the juvenile petition to allow for prosecution under the general laws is final. The bill further clarifies under what circumstances such a juvenile shall be held at a juvenile detention facility or be moved to a jail or other adult detention facility.

This bill provides that a certified juvenile cannot be held in an adult jail for more than 180 days unless the court finds, for good cause, that an extension is necessary or the juvenile waives the 180-day maximum period.

Effective December 31, 2021, all previously certified pre-trial juveniles who had been certified prior to August 28, 2021, shall be transferred from adult jail to a secure juvenile detention facility, unless a hearing is held and the court finds that it would be in the best interest of justice to keep the juvenile in the adult jail. All certified juveniles who are held in adult jails shall continue to be subject to the protections of the Prison Rape Elimination Act (PREA) and shall be physically separated from adult inmates. The issue of setting or posting bond shall be held in the pre-trial certified juvenile's adult criminal case.

This bill provides that, upon attaining the age of 18 or upon conviction on the adult charges, the juvenile shall be transferred from juvenile detention to the appropriate adult facility. Any responsibility for transportation of the certified juvenile who remains in a secure juvenile detention facility shall be handled in the same manner as in all other adult criminal cases where the defendant is in custody.

NONVIOLENT OFFENDERS (Sections 217.777 and 559.120)

The bill specifies that one of the reasons the Department of Corrections must administer a community corrections program is to encourage local sentencing alternatives for offenders to promote opportunities for nonviolent primary caregivers to care for their dependent children. Additionally, if a court finds that traditional institutional confinement of a defendant is not necessary for the protection of the public, that the defendant is in need of guidance, training, or other assistance, and that the defendant is the primary caregiver of one or more dependent children, the court must consider requiring the defendant to participate in a community-based treatment program.

FLASHING LIGHTS ON MOTOR VEHICLES (Sections 304.022 and 307.175)

This bill adds vehicles and equipment owned, leased, or operated by a coroner, medical examiner, or forensic investigator of the County's Medical Examiner's Office, when responding to a crime scene, motor vehicle accident, workplace accident, or any location at which the services of those professionals have been requested by a law enforcement officer, to the list of vehicles authorized to use or display fixed, flashing, or rotating red or red and blue lights.

HEAD START SCHOOL BUSES (Section 304.050)

This bill provides that a certified Head Start school bus is subject to all provisions that a certified school bus is subject, except for the requirement of a crossing control arm. This provision has a delayed effective date of January 1, 2022.

CHILD VISITATION (Section 452.410)

The bill specifies in accordance with which certain sections a joint custody or visitation order may be modified.

ORDERS OF PROTECTION (Sections 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, and 455.523)

This bill specifies that adult protection orders and child protection orders, full or ex parte, may be granted to restrain or enjoin an individual from committing or threatening to commit abuse against a pet. A protection order may include an order of possession of the pet where appropriate, as well as any funds needed to cover the medical costs resulting from abuse of the pet. "Pet" is defined in this bill as a living creature maintained by a household member for companionship and not for commercial purposes.

Currently, a court may issue a full adult order of protection, after a hearing, for at least 180 days and not exceeding one year. This bill specifies that, if the court finds, after an evidentiary hearing, that the respondent poses a serious danger to the physical or mental health of the petitioner or a minor household member, the protective order shall be valid for at least two years and not more than 10 years. The full order may be renewed annually for a period of at least 180 days and not more than one year from the expiration date of the previously-issued order; however, in cases where the court finds the respondent poses a serious danger to the petitioner or a minor household member, the order may be renewed periodically and will be valid for at least two years and up to the life of the respondent. The court may include a provision that any full order of protection will be automatically renewed for any term of renewal as set forth in this bill.

If a court finds that the respondent poses a serious risk to the petitioner or a minor household member, the court must not modify the order for a period of at least two years from the date the original full order of protection was issued and the order may be modified only after a hearing and a written finding that the respondent has shown proof of treatment and rehabilitation and no longer poses a serious danger.

Currently, the clerk issues a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri Uniform Law Enforcement System (MULES) the same day the order is granted and the local law enforcement agency enters the information contained in the order into MULES. This bill specifies that the court must provide all the necessary information regarding the order of protection for entry into MULES and the National Crime Information Center (NCIC). The sheriff must enter the information into MULES within 24 hours and MULES must forward that information to NCIC, thus making the order viewable in the National Instant Criminal Background Check System (NICS).

GUARDIANSHIP (Section 475.120)

The bill moves a provision that specifies that, except where otherwise limited by the court, a guardian must make decisions regarding an adult ward's support, care, education, health, and welfare. A guardian must exercise authority only as necessitated by the adult ward's limitations and, to the extent possible, must encourage the adult ward to participate in decisions, act on the ward's own behalf, and develop or regain the capacity to manage the ward's personal affairs.

MUNICIPAL COURT DISCOVERY (Section 479.162)

This bill specifies that, in a proceeding for a municipal ordinance violation or any other proceeding before a municipal court if the charge carries the possibility of 15 days or more in jail or confinement, a defendant must not be charged any fee for obtaining a police report, probable cause statement, or any video relevant to the arrest or traffic stop. Such police report, probable cause statement, or video must be provided by the prosecutor upon written request for discovery by the defendant.

COURT COSTS FOR VETERANS (Section 488.016)

The bill specifies that court costs will be fully waived for any person who is an honorably discharged veteran of any branch of the armed forces of the United States and who successfully completes a veterans' treatment court.

ADMISSIBILITY OF EVIDENCE (Section 491.016)

This bill specifies that an otherwise inadmissible witness statement is admissible in evidence in a criminal proceeding as substantive evidence if the court, after a hearing, finds by a preponderance of the evidence that the defendant engaged in or acquiesced to wrongdoing with the purpose of causing the unavailability of the witness, such wrongdoing caused or substantially contributed to the unavailability of the witness, the prosecution exercised due diligence to secure by subpoena or other means the attendance of the witness, and the witness failed to appear.

If the witness was to appear for a jury trial the hearing and finding to determine the admissibility of the statement must be held and ruled on outside the presence of the jury and before the case is submitted to the jury.

CONFIDENTIALITY OF CRIME STOPPERS ORGANIZATIONS (Section 546.265)

This bill provides that no person will be required to disclose, by way of testimony or otherwise, a privileged communication between a person who submits a report of alleged criminal activity to a crime stoppers organization and the person who accepts the report on behalf of a crime stoppers organization. Additionally, no such person will be required to produce, under subpoena, any records, documentary evidence, opinions, or decisions relating to such privileged communication in connection with any criminal proceeding or discovery procedure.

This bill also provides that any person arrested or charged with a criminal offense may petition the court for an in-camera inspection of the records of a privileged communication concerning the report such person made to the crime stoppers organization. If the court determines the person is entitled to all or part of such records, the court may order production and disclosure as the court deems appropriate.

MOTION TO VACATE OR SET ASIDE JUDGMENT (Section 547.031)

A prosecuting or circuit attorney in the jurisdiction in which a person was convicted may file a motion to vacate or set aside judgment at any time if the prosecuting or circuit attorney has information that the convicted person may be innocent or may have been erroneously convicted. Upon the filing of such a motion, the court must order a hearing and must issue findings of fact and conclusions of law on all issues presented. The Attorney General must be given notice of the hearing on the motion and will be permitted to appear, question witnesses, and make arguments on the motion. The Attorney General may file a motion to intervene as well as file a motion to dismiss the motion to vacate or set aside judgment in any appeal filed by the prosecuting or circuit attorney. If the court finds that there is clear and convincing evidence of actual innocence or constitutional error at the original trial or plea, the court must grant the prosecuting attorney's motion to vacate or set aside judgment.

SPECIAL VICTIMS (Section 565.058)

This bill provides that any special victim, as defined by law, shall not be required to reveal any current address or place of residence except to the court when in a judge's private chambers for the purpose of determining jurisdiction and venue. Additionally, any special victim may file a petition with the court alleging assault in any degree by using his or her identifying initials instead of his or her legal name if the petition alleges that he or she would be endangered by such disclosure.

OFFENSE OF UNLAWFUL POSTING OF CERTAIN INFORMATION ONLINE (Section 565.240)

Currently, a person commits the offense of unlawful posting of certain information over the Internet if he or she knowingly posts the name, home address, Social Security number, or telephone number of any person on the Internet intending to cause great bodily harm or death, or threatening to cause great bodily harm or death to such person. Such offense is a Class C misdemeanor.

This bill modifies the current offense by adding "any other personally identifiable information" and further provides that, if a person knowingly posts on the Internet the name, home address, Social Security number, telephone number, or any other personally identifiable information of any law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, or the information of an immediate family member of such officer, judge, commissioner, or prosecuting attorney, he or she shall be guilty of a Class E felony.

SEXUAL MISCONDUCT OF POLICE OFFICERS (Section 566.145)

Under current law a person commits the offense of sexual conduct with a prisoner or offender if the person is a probation and parole officer and the offender is under the direct supervision of the officer, or the person is an employee of or a person assigned to work in a jail, prison, or correctional facility and the prisoner or offender is confined in the jail, prison, or correctional facility. This bill adds to the offense law enforcement officers who commit sexual conduct with a detainee or a prisoner who is in the custody of the officer. The offense is also committed if a law enforcement officer, probation and parole officer, or employee of or a person assigned to work in a jail, prison, or correctional facility engages in sexual conduct, while on duty, with someone who is not a detainee, prisoner, or offender, and the offense was committed by means of coercion.

UNLAWFUL USE OF A LASER POINTER (Section 574.110)

This bill creates the offense of using a laser pointer, as defined in the bill, which is committed by knowingly directing the light from a laser pointer at a uniformed safety officer, including a peace officer as defined in Section 590.010, security guard, firefighter, emergency medical worker, or other uniformed municipal, state, or federal officer. A violation of this section is a class A misdemeanor.

PROTECTION OF HEALTH CARE WORKERS (Section 574.203)

This bill creates the offense of interference with a health care facility. A person, excluding a person seeking mental health, psychiatric, or psychological care or any person who is developmentally disabled, commits the offense of interference with a health care facility if the person acts alone or with someone else to willfully or recklessly interfere with access to or from a health care facility or willfully or recklessly commits any of the acts specified in the bill. The offense of interfering with a health care facility is a class D misdemeanor for a first offense and a class C misdemeanor for a second or subsequent offense.

FAILURE TO EXECUTE A WARRANT (Section 575.180)

The bill specifies that it is an affirmative defense to prosecution of the offense of failure to execute a warrant if the law enforcement officer acted under exigent circumstances in failing to execute an arrest warrant on a person who has committed a misdemeanor offense under Chapters 301, 302, 304, or 307, RSMo,or a misdemeanor traffic offense in another state.

PEACE OFFICER LICENSURE (Section 590.030)

Currently, all licensed peace officers, as a condition of licensure, must obtain continuing law enforcement education and maintain a current address of record on file with the POST Commission.

This bill provides that in addition to those requirements for licensure, peace officers must submit to being fingerprinted on or before January 1, 2022, and every six years thereafter and to submit to fingerprinting for the purposes of a criminal history background check and enrollment in the state and federal Rap Back programs.

Additionally, any time a peace officer is commissioned with a different law enforcement agency, he or she must submit to being fingerprinted. The criminal history background check shall include the records of the Federal Bureau of Investigation. The resulting report will be forwarded to the peace officer's law enforcement agency. The Rap Back enrollment will be for the purposes of peace officer disciplinary reports as required by law. Law enforcement officers and law enforcement agencies must take all necessary steps to maintain officer enrollment in Rap Back for as long as an officer is commissioned with that agency. All law enforcement agencies must enroll in the state and federal Rap Back programs on or before January 1, 2022.

COMMISSIONING REQUIREMENTS OF PEACE OFFICERS (Sections 590.070 and 590.075)

Currently, the chief executive officer of each law enforcement agency must notify the Director of the POST Commission the circumstances surrounding a law enforcement officer's departure from the law enforcement agency within 30 days of the departure.

This bill provides that the chief executive officer of each law enforcement agency must, prior to commissioning any peace officer, request a certified copy from the Director of all notifications received regarding such peace officer. All notifications provided to the chief executive officer from the Director must be received within three days of the request.

Additionally, this bill provides that the chief executive officer of each law enforcement agency has absolute immunity from suit for complying with such notification requirements to the Director, unless the chief executive officer presented false information to the Director with the intention of causing reputational harm to the peace officer. If the Director receives any additional notifications regarding the candidate for commissioning within 60 days of a chief executive officer's request, a copy of such notifications must be forwarded by the Director to the requesting chief executive officer within three business days following receipt.

CRITICAL INCIDENT STRESS MANAGEMENT PROGRAM (Section 590.192)

This bill establishes the "Critical Incident Stress Management Program" within the Department of Public Safety. The program will provide services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. A "critical incident" is any event outside the usual realm of human experience that is markedly distressing or evokes reactions of intense fear, helplessness, or horror and involves the perceived threat to a person's physical integrity or the physical integrity of someone else.

This bill provides that all peace officers will be required to meet with a program service provider once every three to five years for a mental health check-in. The program service provider will send a notification to the peace officer's commanding officer that he or she completed such check-in. Any information disclosed by a peace officer is privileged and will not be used as evidence in criminal, administrative, or civil proceedings against the peace officer, except as in certain instances as provided in the bill.

Additionally, this bill creates the "988 Public Safety Fund" within the state treasury and shall be used by the Department of Public Safety for the purposes of providing services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services.

RESPIRATORY CHOKE-HOLDS (Section 590.805)

This bill provides that a law enforcement officer is prohibited from knowingly using a respiratory choke-hold unless it is being used in defense of the officer or another person from serious physical injury or death. A "respiratory choke-hold" includes the use of any body part or object to attempt to control or disable a person by applying pressure to the person's neck with the purpose of controlling or restricting the person's breathing.

POLICE USE OF FORCE DATABASE (Section 590.1265)

This bill establishes the "Police Use of Force Transparency Act of 2021."

Starting March 1, 2022, each law enforcement agency must, at least annually, collect and report local data on use-of-force incidents involving peace officers to the National Use of Force Data Collection through the Law Enforcement Enterprise Portal administered by the Federal Bureau of Investigation (FBI). Use-of-force incidents include fatalities and serious physical injuries that are connected to the use of force by an officer.

Additionally, each law enforcement agency must submit such information to the Department of Public Safety. The personally identifying information of individual peace officers must not be included in the reports. The Department of Public Safety must, no later than October 31, 2021, develop standards and procedures governing the collection and reporting of use-of-force data. The standards shall be consistent with the requirements, definitions, and methods of the National Use of Force Data Collection administered by the FBI.

The Department of Public Safety must publish the data reported by law enforcement agencies in a publicly

available report at least annually starting March 1, 2023. Finally, the Department of Public Safety must undertake an analysis of any trends and disparities in rates of use of force by all law enforcement agencies, with a report to be released to the public no later than June 30, 2025. The report must be updated at least every five years.

ACCESS TO RECORDS (Sections 610.120, 610.122, and 610.140)

Currently, closed records are available to law enforcement agencies for the issuance or renewal of a license, permit, certification, or registration of authority from the agency for watchmen, security personnel, private investigators, and persons seeking permits to purchase or possess a firearm. This bill removes the access to closed records to law enforcement agencies as the availability of the records relates to persons seeking permits to purchase or possess a firearm.

The bill also adds Subdivision (4) of Subsection 1 of Section 571.030, which is when a person exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner, to the offenses not eligible for expungement.

This bill repeals the provision that allows a record of arrest to be eligible for expungement only if the person has no prior or subsequent misdemeanor felony convictions. The bill reduces the amount of time a person must wait before he or she can file a petition for expungement from seven years for a felony and three years for a misdemeanor to three years and one year, respectively. This bill specifies that for the purposes of a certain United States code, an order of expungement under this section will be considered a complete removal of all the effects of the expunged conviction.

SS SCS SB 57 -- FUNDING TO DETER CRIMINAL ACTIVITY

This bill establishes the "Critical Incident Stress Management Program" within the Department of Public Safety. The Program provides services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. A "critical incident" is any event outside the usual realm of human experience that is markedly distressing or evokes reactions of intense fear, helplessness, or horror and involves the perceived threat to a person's physical integrity or the physical integrity of someone else.

The bill provides that all peace officers will be required to meet with a program service provider once every three to five years for a mental health check-in. The program service provider will send a notification to the peace officer's commanding officer that he or she completed such check-in. Any information disclosed by a peace officer is privileged and must not be used as evidence in criminal, administrative, or civil proceedings against the peace officer, except as in certain instances as provided in the bill.

Additionally, the bill creates the "988 Public Safety Fund" within the State Treasury, which shall be used by the Department of Public Safety for the purposes of providing services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services.

The bill creates the "Economic Distress Zone Fund", which will be a fund used solely by the Department of Public Safety to provide funding to organizations registered with the IRS as a 501(c)(3) corporation that provide services to residents of the state in areas of high incidents of crime and deteriorating infrastructure, as defined in the bill, for the purpose of deterring criminal behavior in such areas. If money appropriated to the Fund exceeds $3 million, excluding any money made available by gift or otherwise, such money will revert to general revenue.

This provision shall sunset on August 28, 2024.

SS SB 63 -- MONITORING OF CERTAIN CONTROLLED SUBSTANCES

This bill establishes the "Joint Oversight Task Force of Prescription Drug Monitoring" within the Office of Administration, with members selected from the Board of Registration for the Healing Arts, the Board of Pharmacy, the Board of Nursing, and the Missouri Dental Board. The Task Force will enter into a contract with a vendor, through a competitive bid process, to collect and maintain patient controlled substance prescription dispensation information submitted by dispensers throughout the state as specified in the bill. Beginning August 28, 2023, such information will be retained by the vendor for no more than three years before deletion from the program.

The Task Force may apply for and accept any grants or other moneys to develop and maintain the program and will be authorized to work cooperatively with the MO HealthNet Division to apply for and accept federal moneys and other grants for the program.

The vendor must treat patient dispensation information and any other individually identifiable patient information submitted under this bill as protected health information under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and any regulations promulgated thereunder. Such information will only be accessed and utilized in accordance with the privacy and security provisions of HIPAA and the provisions of this bill. Such information will also be considered a closed record under state law.

The patient dispensation information submitted under this bill will only be utilized for the provision of health care services to the patient. Prescribers, dispensers, and other health care providers will be permitted to access a patient's dispensation information collected by the vendor in the course of providing health care services to the patient. The vendor will also provide dispensation information to the individual patient, upon his or her request. The MO HealthNet Division will have access to dispensation information for MO HealthNet recipients.

The vendor will provide patient dispensation information to any health information exchange operating in the state, upon the request of the health information exchange and at a cost not to exceed the cost of the technology connection or recurring maintenance of the connection. Any health information exchange receiving information under this bill will comply with the provisions of this bill regarding privacy and security and permitted uses of dispensation information.

The Task Force may provide data to public and private entities for statistical, research, or educational purposes after removing identifying information.

No patient dispensation information will be provided to law enforcement or prosecutorial officials or any regulatory body, professional or otherwise, for purposes other than those explicitly set forth in HIPAA and any regulations promulgated thereunder. No dispensation information will be used to prevent an individual from owning or obtaining a firearm or as the basis for probable cause to obtain an arrest or search warrant as part of a criminal investigation.

Dispensers who knowingly fail to submit the required information or who knowingly submit incorrect dispensation information will be subject to a penalty of $1,000 per violation. Any persons who are authorized to have patient dispensation information under this bill and who purposefully disclose such information or who purposefully use it in a manner and for a purpose in violation of this bill will be guilty of a class E felony.

These provisions will supercede any local law, ordinance, order, rule, or regulation in this state for the purpose of monitoring the prescription or dispensation of prescribed controlled substances within the state. Any such program operating prior to August 28, 2021, must cease operation when the vendor's program is available for utilization by dispensers throughout the state. The Task Force may enter into an agreement with such program to transfer patient dispensation information from the program to the program operated by the vendor under this bill (Section 195.450, RSMo).

This bill also modifies the expiration date of the RX Cares for Missouri Program from August 28, 2019, to August 28, 2026 (Section 338.710).

HCS SS SCS SB 71 -- CIVIL PROCEEDINGS

This bill specifies that a parent, guardian ad litem, or juvenile officer may appeal any order changing or modifying the placement of a child.

The bill also specifies that, adult protection orders and child protection orders, full or ex parte, may be granted to restrain or enjoin an individual from committing or threatening to commit abuse against a pet. A protection order may include an order of possession of the pet where appropriate, as well as any funds needed to cover the medical costs resulting from abuse of the pet. "Pet" is defined in this bill as a living creature maintained by a household member for companionship and not for commercial purposes.

Currently, a court may issue a full adult order of protection, after a hearing, for at least 180 days and not exceeding one year. This bill specifies that, if the court finds, after an evidentiary hearing, that the respondent poses a serious danger to the physical or mental health of the petitioner or a minor household member, the protective order will be valid for at least two years and not more than 10 years. The full order may be renewed annually for a period of at least 180 days and not more than one year from the expiration date of the previously issued order. However, in cases where the court finds the respondent poses a serious danger to the petitioner or a minor household member, the order may be renewed periodically and will be valid for at least two years and up to the life of the respondent. The court may include a provision that any full order of protection will be automatically renewed for any term of renewal as set forth in this bill.

If a court finds that the respondent poses a serious risk to the petitioner or a minor household member, the court must not modify the order until at least two years from the date of the original full order of protection was issued and only after a hearing and a written finding that the respondent has shown proof of treatment and rehabilitation and no longer poses a serious danger.

Currently, the clerk issues a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri Uniform Law Enforcement System (MULES) the same day the order is granted and the local law enforcement agency enters the information contained in the order into MULES. This bill specifies that the court must provide all the necessary information regarding the order of protection for entry into MULES and the National Crime Information Center (NCIC). The sheriff must enter the information into MULES within 24 hours and MULES must forward that information to NCIC, thus making the order viewable in the National Instant Criminal Background Check System (NICS).

The bill also specifies the sections of statute under which joint custody or visitation orders may be modified.

CCS HCS SB 72 -- STATE DESIGNATIONS

This bill designates the first Friday in May each year as "Law Enforcement Appreciation Day", and encourages the citizens to observe the day with appropriate activities and events to recognize and support the brave men and women who undertake the difficult and sometimes unattainable pledge to protect and serve the public.

The bill designates August 31st of each year as "Random Acts of Kindness Day" to mark the beginning of Suicide Prevention Awareness Month in September. Citizens are encouraged to celebrate this day by engaging in small acts of kindness that can change the course of a person's life.

The bill designates November 30th of each year as "Mark Twain Day" to commemorate the life and accomplishments of Mark Twain.

The bill designates March 5th of each year as "Iron Curtain Speech Day" to commemorate the anniversary of Winston Churchill's speech at Westminster College, in Fulton, in 1946.

The bill designates November 13th of each year as "John Jordan 'Buck' O'Neil Day" in honor of the first African American who coached major league baseball and played a major role in establishing the Negro Leagues Baseball Museum in Kansas City.

The bill designates the first full week in September of each year as "Missouri Fox Trotter Week" and encourages citizens to recognize our state horse breed which originated in the Ozarks and is known to cowboys and ranchers for its comfort and reliability.

The bill designates May 1st of each year as "Walthall Moore Day" and encourages citizens to honor the life and work of the first African American to serve in the Missouri General Assembly.

The bill designates the month of April as "Limb Loss Awareness Month" and encourages citizens to spread awareness about limb loss and limb difference.

The bill designates every March 26th as "Pioneering Black Women's Day" in honor of Gwen B. Giles who was the first Black woman to serve in the Missouri Senate.

The bill designates September 22, 2021 as "Hazel Erby Day" in Missouri to recognize Hazel Erby's lifelong dedication to public service and community involvement.

The bill also names "The Gateway Arch" in St. Louis as the Official State Monument.

CCS SB 86 -- SCHOOL DISTRICTS

This bill prohibits the contribution or expenditure of public funds by any school district or charter school or by any officer, employee, or agent of any school district or charter school:

(1) To support or oppose the nomination or election of any candidate for public office;

(2) To support or oppose the passage or defeat of any ballot measure;

(3) To any committee supporting or opposing candidates or ballot measures; or

(4) To pay debts or obligations of any candidate or committee previously incurred for the above purposes.

Any purposeful violation of this bill is punishable as a class four election offense (Section 115.646, RSMo)

The bill modifies language in Section 135.713 relating to the Missouri Empowerment Scholarship Program and educational assistance organizations (EAO). The bill caps the amount of tax credits at $25 million in the first year and $50 million total. The language also limits the total number of EAOs to 10 and requires that only six may establish their principal place of business within St. Louis City or Jackson, St. Louis, St. Charles and Greene counties. This language limits the amount of qualifying contributions that the State Treasurer can use for administration and marketing to 4%, and creates the Missouri Empowerment Scholarship Accounts Board with the State Treasurer serving as the chair, one member appointed by the President Pro Tem of the Senate, one member appointed by the Speaker of the House of Representatives, and other members as outlined in the bill to assume duties delegated by the State Treasurer relating to the scholarship program. The bill defines "qualifying contribution" for Section 135.712 and excludes from the definition stocks, bonds, and property (Section 115.646).

SS SCS SB 106 -- FINANCIAL INSTITUTIONS

This bill modifies various provisions relating to financial institutions.

STATE BANKING AND SAVINGS AND LOAN BOARD (Section 361.097, RSMo)

This section requires at least three members of the State Banking and Savings to have at least 5 years of active bank or association management experience at an institution chartered under state law.

ELECTRONIC POSTINGS (Section 361.110)

Currently, the Director of the Division of Finance is required to keep a bulletin board in his or her office containing various statements of information concerning corporations and persons doing business in the state. This bill modifies that requirement by requiring such statements to be posted on the Division of Finance website instead, to be updated each Monday.

BANKING REGULATIONS (Sections 362.044 - 362.765)

The section permits electronic notification of annual or special stockholders' meetings.

This section permits directors of a bank or trust company to attend board meetings by telephonic conference call or video conferencing, and such directors may be counted as part of the quorum, provided the bank or trust company has a composite rating of 1 or 2 under the Uniform Financial Institutions Rating System of the Federal Financial Institution Examination Counsel.

This section permits the Director of the Division of Finance to promulgate additional regulations to provide for the integrity of the board of directors' operations when directors attend board meetings remotely and for the safety and soundness of the bank and trust company's operation.

This section repeals a provision providing a remedy for when a bank, trust company, or director fails to follow the procedures for directors who are not physically present and counted toward the board's quorum.

The section repeals a requirement for every elected director of a bank or trust company to take an oath and be immediately transmitted to the Director of Finance.

This section requires the inclusion of the relevant information relative to the amount or penal sum of the bonds or policies and the sureties or underwriters thereon on a form provided by the Division of Finance and retained and preserved by the bank or trust company. The Director of Finance shall publish an annual tiered schedule of minimum levels of coverages.

This section permits a bank or trust company to merge with one or more of its nonbank subsidiaries or affiliates pursuant to an agreement of merger as specified in the bill. The Director of Finance must be presented the agreement of merger and approve or decline the agreement within 30 days. If the agreement is declined, the bank or trust company may appeal the decision to the State Banking and Savings and Loan Board.

RETAIL INSTALLMENT CONTRACTS - MOTOR VEHICLES (Sections 365.100 and 365.140)

This section allows the holder of a retail installment contract to charge, finance, and collect a reasonable service fee not to exceed $25 for each check, draft, order, or like instrument returned unpaid by a financial institution, plus an amount equal to the actual charge for the return of each check, draft, order, or like instrument returned unpaid .

If a retail installment contract is paid in full, the holder shall provide the buyer proof of payment in full which may be by a letter referencing the contract which shall include information identifying the contract such as the original loan date, account number or other identifying number or code, or by returning the original contract or a copy thereof that is marked as paid in full by the holder, or by returning the original contract or a copy thereof marked by the holder as paid in full.

SAVINGS AND LOAN REGULATIONS (Sections 369.049 - 369.705)

This section removes the requirement that every savings and loan association to include either the words “Savings Association” or “Savings and Loan Association” and instead permits it. The bill further repeals the prohibition on using the following words in an association name: “National”, “Federal”, “United States”, “Insured”, “Guaranteed”, “Government”, and “Official.”

This section permits a savings and loan institution or savings bank to merge with one or more of its subsidiaries or affiliates pursuant to an agreement of merger as specified in the bill. The Director of Finance must be presented the agreement of merger and approve or decline the agreement within 30 days. If the agreement is declined, the savings and loan institution or savings bank may appeal the decision to the State Banking and Savings and Loan Board.

UNIFORM COMMERCIAL CODE (Sections 400.3-309)

This section modifies the process for how a person not in possession of an instrument can enforce an instrument under the Uniform Commercial Code. Specifically, a person can enforce such an instrument if, in addition to meeting criteria required currently, the person either was entitled to enforce the instrument when the loss of possession occurred or the person has directly or indirectly acquired ownership of the instrument from a person who was entitled to enforce the instrument when loss of possession occurred.

RATES OF INTEREST IN BUSINESS, COMMERCIAL, AND AGRICULTURAL LOANS (Sections 408.035 and 408.100)

This section allows parties to agree in writing to extensions of credit primarily for business, commercial, or agricultural purposes.

The bill additionally repeals an exemption from a provision allowing any person, firm, or corporation to charge, contract for and receive interest on the unpaid principal balance at rates agreed to by the parties such that it applies to loans which are secured by a lien on nonprocessed farm products, livestock, farm machinery or crops or to loans to corporations.

PERMISSIBLE FEES INCIDENT TO EXTENSIONS OF CREDIT (Section 408.140)

This section allows a lender to:

(1) Charge reasonable and bona fide third-party fees paid out by the lender to any public officer for remote or electronic filing in any public office; and
(2) Charge a reasonable service fee not to exceed $25 for any check, draft, order, or like instrument returned unpaid by a financial institution, plus an amount equal to the actual charge for the return of each check, draft, order, or like instrument returned unpaid.

This section repeals a provision allowing a lender to collect a fee in advance for allowing the debtor to defer up to three monthly loan payments.

DEFERMENT OF MONTHLY LOAN PAYMENTS (Section 408.178)

Currently, a lender is allowed to collect a fee in advance for allowing a debtor to defer monthly loan payments on loans with an original amount of $600 or more. This bill repeals the loan amount threshold for this provision such that a lender may collect such a fee on a loan of any amount.

SECOND MORTGAGES (Sections 408.233 and 408.234)

This section allows the charge of a reasonable and bona fide third-party fee incurred for the remote or electronic filing of the perfection, release, or satisfaction of a security interest related to a second mortgage loan.

This section repeals a prohibition on the issuance of a second mortgage loan in an initial principal amount of less than $2,500.

RETAIL TIME CONTRACTS (Section 408.250)

This section allows reasonable and bona fide third-party fees incurred for remote or electronic filing in connection with any retail time contract.

LENDER RECOVERY UPON DEFAULT (Section 408.553)

This section modifies the amount that a lender may collect from a borrower upon default. Specifically, a lender is entitled to recover the amount due and accrued under the agreement, including interest and penalties through the date of payment in full or to the

date of final judgment. Following a judgment, the lender may additionally recover the simple interest equivalent of the rate provided in the contract as applied to the amount of the judgment until the date the judgment is paid and satisfied.

NOTICE OF DEFAULT(Section 408.554)

This bill repeals the requirement for a default notice issued in the case of a second default on the same loan or transaction or a third default on the same second mortgage to contain a provision notifying the borrower that in case of further default the borrower will have no right to cure.

LENDERS OF CONSUMER CREDIT LOANS (Section 367.150)

This section repeals a law requiring lenders of consumer credit loans to file a report with the Director of the Division of Finance detailing, among other things, the financial condition of the lender and the total aggregate number and principal amount of loans made by the lender.

SS SCS SB 120 -- MILITARY AFFAIRS

This bill modifies provisions relating to military affairs, including state designations, interviews, and classifications for state employment, state agency services, school designations, protections for military members for motor vehicle insurance, and qualified military projects in the Missouri Works Program.

MILITARY FAMILY MONTH (Section 9.297, RSMo)

This bill designates November as "Military Family Month" in Missouri to recognize the daily sacrifices of military families.

SURVIVING SPOUSES IN THE MERIT SYSTEM (Section 36.020)

This bill corrects the definition of "surviving spouse" in provisions of law relating to the merit system.

INTERVIEWS FOR CURRENT OR PREVIOUS MEMBERS OF THE MISSOURI NATIONAL GUARD FOR STATE EMPLOYMENT (Sections 36.221 and 105.1204)

This bill provides that in filling any position of state employment in a state agency, the appointing authority or employing agency must offer an interview to every applicant who is or was a member of the Missouri National Guard and meets other specified criteria.

DEPARTMENT OF THE NATIONAL GUARD (Sections 41.035 and 650.005)

This bill establishes the "Missouri Department of the National Guard", which will be headed by the Adjutant General and will administer the militia and programs of the state relating to military forces, except for the Missouri Veterans Commission. The Office of Adjutant General and the militia are transferred from the Department of Public Safety to the Missouri Department of the National Guard.

These provisions of the bill are contingent upon the passage of a Constitutional amendment that provides for the establishment of the Missouri Department of the National Guard.

CLASSIFICATION OF MISSOURI NATIONAL GUARD MEMBERS (Section 41.201)

This bill provides that service members of the Missouri National Guard will be considered as state employees for the purpose of operating state-owned vehicles for official state business unless they are called into active federal military service by order of the President of the United States.

VETERAN QUESTIONS ON STATE AGENCY FORMS (Section 42.390)

This bill requires that every state agency ensure that any form used to collect data from individuals that was first created or subsequently modified on or after August 28, 2021, include the following questions:

(1) Have you ever served on active duty in the Armed Forces of the United States and separated from such service under conditions other than dishonorable?
(2) If answering Question 1 in the affirmative, would you like to receive information and assistance regarding the agency's veteran services?

Every state agency will prepare information regarding applicable services and benefits that are available to veterans and provide such information to those who answer the questions in the affirmative.

INCOME TAX DEDUCTIONS FOR MILITARY RETIREMENT BENEFITS (Sections 143.121 and 143.124)

Currently, an income tax deduction is authorized for retirement benefits received by a taxpayer for the taxpayer's service in the Armed Forces of the United States, including reserve components and the National Guard. This bill makes a technical correction to ensure that 100% of such benefits may be deducted without any reductions.

PURPLE STAR CAMPUS (Section 160.710)

The Department of Elementary and Secondary Education will designate a school district as a Purple Star Campus if the school district applies and qualifies for the designation. To qualify as a Purple Star Campus, a school district will:

(1) Designate a staff member as a military liaison to serve as the point of contact between the school district and the military connected student, as defined in the bill;
(2) Identify military connected students enrolled in the school district;
(3) Determine appropriate services available to military connected students;
(4) Coordinate programs relevant to military connected students;
(5) Maintain on the school district website an easily accessible webpage that includes resources for military connected students, including information regarding relocation, enrollment, registration, and transferring records to the school district, academic planning, counseling, and the military liaison;
(6) Establish and maintain a transition program led by

students, when appropriate, that assists military connected students in transitioning into the school district;
(7) Offer professional development and education for staff members on issues related to military connected students; and
(8) Offer at least one of the following: A resolution showing support for military connected students, recognition of military holidays with relevant events, or a partnership with a local military installation that provides opportunities for active duty military members to volunteer with the school district, speak at an assembly, or host a field trip.

VETERAN DESIGNATIONS ON DRIVER'S LICENSES (Section 302.188)

Currently, the Department of Revenue may determine the appropriate placement of veteran designations on driver's licenses and identification cards. This bill provides that the Department must place the veteran designations on the front of the licenses and identification cards.

MOTOR VEHICLE INSURANCE (Section 379.122)

This bill requires the Adjutant General to ensure that members of the state military forces receive notice of certain protections relating to motor vehicle insurance, and encourages the secretaries of the branches of the United States Armed Forces to likewise notify members under their jurisdictions.

The bill specifically notes that the term "adverse underwriting decision" will include a decision to charge an increased premium.

QUALIFIED MILITARY PROJECTS IN THE MISSOURI WORKS PROGRAM (Sections 620.2005 and 620.2010)

This bill modifies the Missouri Works program to provided that, for qualified military projects, the benefit will be based on part-time and full-time jobs created by the project.

This bill contains an emergency clause for these provisions.

SS SCS SB 126 -- INTOXICATING LIQUOR

ADVERTISING MATERIALS (Section 311.070, RSMo)

Currently, the amount of permanent point-of-sale advertising materials that may be sold or given to a retailer by a distiller, wholesaler, winemaker, or brewer shall not exceed $500 per year, per brand, per retail outlet.

This bill provides that the replacement of similar permanent point-of-sale advertising materials that are damaged and non-functioning shall not apply toward the maximum of $500. Additionally, this bill modifies the definitions of "equipment and supplies", "temporary point-of-sale advertising materials", "permanent point-of-sale advertising materials", and "product display".

NON-REFRIGERATION DISPENSING ACCESSORIES (Section 311.070)

This bill adds the definition of "nonrefrigeration dispensing accessories" which includes beer and gas hoses, faucets, taps, and other accessories necessary to preserve and serve intoxicating liquor that are not self-refrigerating.

This bill specifies that, a wholesaler or brewer may install non-refrigeration dispensing accessories at the retail business establishment for the purposes of beer equipment to properly preserve and serve draught beer or premixed distilled spirit beverages. A distiller, winemaker, or wholesaler may install non-refrigeration dispensing accessories at the retail business establishment for the purposes of distilled spirits and wine equipment to properly preserve and serve wine or premixed distilled spirit beverages. A wholesaler or brewer may also lend, give, rent, sell, install, or repair nonrefrigeration dispensing accessories in order to facilitate the delivery to the retailers. A complete record of non-refrigeration dispensing accessories given, rented, sold, installed, and loaned, and repairs and services made to a retailer shall be retained for a period of not less than one year by the wholesaler, brewer, distiller, or winemaker.

This bill specifies that, a distiller, wholesaler, winemaker, or brewer may furnish, give, or sell cleaning and sanitation services to a retailer to preserve product integrity of distilled spirits, wine, or malt beverages.

DELIVERY OF CERTAIN LIQUORS BY WHOLESALER (Section 311.070)

Currently, a wholesaler may exchange for an equal quantity or allow a credit for certain intoxicating liquor that was delivered in a damaged condition. A wholesaler may also withdraw at the time of delivery certain intoxicating liquor if the wholesaler replaces or provides a credit for the retailer. This bill adds malt liquor to these provisions. Additionally, this bill provides that wholesalers shall distribute consumer advertising specialties, nonrefrigeration dispensing accessories, and other advertising materials to their retailers in a fair and reasonable manner.

SUNDAY LIQUOR SALES BY THE DRINK (Sections 311.070, 311.086, 311.089, 311.218, and 311.293)

Currently, establishments may apply for a Sunday by-the-drink license to sell intoxicating liquor by the drink at retail in resort areas and for tourism purposes in St. Louis and Kansas City as well as other cities and counties from the hours of 9 A.M. to 12:00 A.M. This bill modifies the hours that establishments may apply for a Sunday by the drink license to 6 A.M. on Sundays and 1:30 A.M. on Mondays.

SUNDAY LIQUOR SALES FOR OFF PREMISE CONSUMPTION (Section 311.096)

Currently, a person may obtain a license to sell intoxicating liquor by the drink at retail not for consumption on the premises but for consumption in a common eating and drinking area between the hours of 11:00 A.M. and 12:00 A.M. on Sundays.

This bill modifies the hours to 6:00 A.M. on Sundays and 1:30 A.M. on Mondays. This bill also allows such persons to apply for a special permit to remain open between the hours of 1:30 A.M. to 3:00 A.M. on Sundays.

SUNDAY BY-THE-DRINK LICENSES IN CONVENTION TRADE AREAS (Sections 311.174, 311.176, and 311.178)

This bill modifies the time of opening for those licensed to sell intoxicating liquor for consumption on the premises in convention trade areas in Kansas City, North Kansas City, Jackson County, St. Louis County, and St. Louis on Sundays to 6:00 A.M.

SALE OF WINE AND BRANDY (Section 311.190)

This bill modifies the hours a person may sell wine and brandy at retail to 6:00 A.M. on Sundays to 1:30 A.M. on Mondays.

SALE OF MALT LIQUOR (Section 311.200)

This bill modifies the hours a person may sell malt liquor at retail to 6:00 A.M. on Sundays to 1:30 A.M. on Mondays.

TO-GO ALCOHOL (Section 311.202)

This bill provides that the holder of a valid license to sell intoxicating liquor at retail may sell retailer-packaged liquor to a consumer in a container, filled on such premises by any employee who is 21 years of age or older, for off-premises consumption if the:

(1) Container is rigid, durable, leakproof, sealable, and has no openings for straws and contains a certain amount of liquor as provided in the bill;
(2) Consumer orders and purchases a meal prepared on the premises at the same time as the consumer purchases the liquor;
(3) Holder of the license provides the consumer with a dated receipt for the purchase of the intoxicating liquor;
(4) Number of alcoholic beverages sold under this section by a licensee for off-premises consumption is limited to twice the number of meal servings sold by the licensee; and
(5) Sealed container is placed in a one-time-use transparent bag that is sealed or the container has been sealed with tamperproof tape.

Additionally, containers shall have a label with the name and address of the business and another label that states, "THIS BEVERAGE CONTAINS ALCOHOL". This bill does not apply to any wholesaler, distributor, or manufacturer of intoxicating liquors.

CONSUMPTION OF INTOXICATING LIQUOR (Section 311.480)

Currently, the drinking or consumption of intoxicating liquor is not to be permitted in or upon a licensed premises by any person under 21 years of age, or by any other person between the hours of 1:30 A.M. and 6:00 A.M. on any weekday, and between the hours of 1:30 A.M. Sunday and 6:00 A.M. Monday.

This bill changes the law to prohibit the consumption of intoxicating liquor in or upon a licensed premises by any person under 21 years of age, or any other person between the hours of 1:30 A.M. and 6:00 A.M. any day of the week.

LIQUOR PERMITS TO NON-PROFIT ORGANIZATIONS (Section 311.482)

This bill modifies the provisions that if a religious, civic, fraternal, or other non-profit organization holds an event in which liquor is sold, the sale of liquor on the day of the event may begin at 6:00 A.M.

LIQUOR CONTROL AGENTS (Section 311.620)

Currently, no person shall be appointed as an agent or inspector for the Department of Liquor Control who is not a resident taxpaying citizen of Missouri for a period of three years previous to his or her appointment and who is not able to pass a physical and mental examination prescribed by a board consisting of the Governor, Lieutenant Governor, Attorney General, and the Supervisor of Liquor Control.

This bill modifies this provision to provide that a person shall not be appointed as an agent if he or she is not a resident taxpaying citizen of the state at the time of his or her appointment. Additionally, the person must pass a physical and mental examination prescribed by the Supervisor of Alcohol and Tobacco. Finally, this bill changes "Supervisor of Liquor Control" and "Department of Liquor" to "Supervisor of Alcohol and Tobacco Control" and "Division of Alcohol and Tobacco Control".

CCS HCS SS SCS SBs 153 & 97 -- TAXATION

This bill modifies several provisions relating to taxation.

USE TAX MAPPING (Section 32.310, RSMo)

Currently, the Department of Revenue has created and must maintain a mapping feature on its website that displays various sales tax information. This bill requires the mapping feature to include use tax information. Political subdivisions collecting a use tax must send such data to the Department of Revenue by January 1, 2022, and the Department will update the mapping feature by July 1, 2022.

By July 1, 2022, the Department will update the mapping feature to include the total sales tax rate for combined rates of overlapping sales taxes levied and the total use tax rate for combined rates of overlapping use taxes levied.

If the boundaries of a political subdivision in which a sales or use tax has been imposed are changed or altered, the political subdivision must forward such changes to the Department, as described in the bill.

COMMUNITY IMPROVEMENT DISTRICTS (Sections 67.1421, 67.1451, 67.1461, 67.1471, 67.1481, and 67.1545)

Currently, a petition is required for the creation of a community improvement district (CID) to include a five year plan describing the improvements to be made in the CID. This bill requires such plan to include the anticipated sources of funds and the term of such sources used to pay the costs of such improvements.

This bill also limits the duration of a CID to 27 years for CIDs formed after August 28, 2021.

Upon the creation of a CID, this bill requires the municipal clerk of the municipality to report such in writing to the State Auditor in addition to the Missouri Department of Economic Development.

For CIDs established after August 28, 2021, in which there are no registered voters, this bill requires at least one director to be a person who resides within the municipality that established the CID, is registered to vote, has no financial interest in any real property or business operating within the CID, and is not a relative within the second degree of consanguinity to an owner of real property or a business operating within the CID. For CIDs that are political subdivisions and established after August 28, 2021, if the board of the CID is to be elected, the petition will require at least one member of the board to be appointed by the governing body of the municipality as described in the bill.

This bill requires all construction contracts entered into after August 28, 2021 in a district that has adopted a sales tax, and that are in excess of $5,000 to be competitively bid and awarded to the lowest and best bidder.

Currently, CIDs are required, within 120 days after the end of the fiscal year, to submit a report to the municipal clerk and the Department of Economic Development stating the services provided, revenues collected, and expenditures made by the CID during the fiscal year. The bill requires that the report include the dates the CID adopted its annual budget, submitted its proposed annual budget to the municipality, and submitted its annual report to the municipal clerk.

Under this bill, for the termination of a CID, each ordinance establishing a CID will set forth the term for the existence of such CID which term may be defined as a minimum, maximum, or definite number of years, but in the case of CIDs established after August 28, 2021, the term will not exceed 27 years except as specified in the bill.

The exception provides that prior to the expiration of the term of a CID, a municipality may adopt an ordinance to extend the term of the existence of a CID after holding a public hearing on the proposed extension. The extended term may be defined as a minimum, maximum, or definite number of years, but the extended term will not exceed 27 years. Notice of the hearing will be given in the same manner as required under current law, except the notice will include the time, date, and place of the public hearing; the name of the CID; a map showing the boundaries of the existing CID; and a statement that all interested persons will be given an opportunity to be heard at the public hearing.

In each CID in which a sales tax is imposed, every retailer must prominently display the rate the of the sales tax imposed or increased at the cash register area.

DEFINITION OF "BLIGHTED" AND "BLIGHTED AREA" (Sections 67.1401, 99.020, 99.320, 99.805, 99.821, 99.918, 99.1082, 100.310, 135.950, 262.900, and 353.020)

This bill defines "blighted" and "blighted area" in numerous provisions of law to mean, "an area which, by reason of the predominance of insanitary or unsafe conditions, deterioration of site improvements, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, or welfare in its present condition and use".

VIDEO SERVICE PROVIDER FEES (Sections 67.2677, 67.2680, 67.2689, and 67.2720)

This bill modifies provisions relating to communications services offered in political subdivisions.

The bill modifies the definition of "gross revenues" for provisions of law relating to video service providers.

This bill prohibits the state and political subdivisions from imposing a new tax, license, or fee in addition to any tax, license, or fee already authorized on or before August 28, 2021, upon the provision of satellite or streaming video services.

This bill specifies that, a franchise entity may collect a video service provider fee equal to not more than 5% of the gross revenues of a video service provider providing service in the geographic area of such franchise entity. The fee will be phased down as follows:

(1) Beginning August 28, 2023, 4.5% of gross revenues;
(2) Beginning August 28, 2024, 4% of gross revenues;
(3) Beginning August 28, 2025, 3.5% of gross revenues;
(4) Beginning August 28, 2026, 3% of gross revenues; and
(5) Beginning August 28, 2027, and continuing thereafter, 2.5% of gross revenues.

Beginning August 28, 2027, and continuing thereafter, 2.5% of gross revenues.Currently, video service providers may identify and collect the amount of the video service provider fee as a separate line item on subscriber bills. Under this bill, the fee will be identified and collected as a separate line item.

The bill creates the "Task Force on the Future of Right-of-Way Management and Taxation" consisting of 16 members, including two members of the Senate appointed by the President Pro Tem of the Senate and two members of the House of Representatives appointed by the Speaker of the House of Representatives. The remaining members are specified in the bill. The purpose of the Task Force is to study best methods for right-of-way management, taxation of video services, and the future revenue needs of municipalities and political subdivisions as such revenue relates to video services.

The Task Force will compile a report of its activities for submission to the General Assembly. The report

will be submitted no later than December 31, 2023, and will include any recommendations which the Task Force may have for legislative action. The Task Force will expire on December 31, 2023.

TAX INCREMENT FINANCING (Sections 99.805, 99.810, 99.820, 99.843, 99.847, and 99.848)

Modifies several provisions relating to tax increment financing.

This bill modifies the definitions of "blighted area" and "conservation area", and creates new definitions for "port infrastructure projects", "retail area", and "retail infrastructure projects".

This bill modifies local tax increment financing projects by providing that a study will be conducted by a land use planner, urban planner, licensed architect, licensed commercial real estate appraiser, or licensed attorney, which details how the area meets the definition of an area eligible to receive tax increment financing.

This bill also provides that retail areas, as defined in the bill, will not receive tax increment financing unless such financing is exclusively utilized to fund retail infrastructure projects, as defined, or unless such area is a blighted or conservation area.

Currently, cities, towns, and villages located in St. Louis County, St. Charles County, or Jefferson County are required to establish a 12 member commission that will include six members appointed by the county executive or presiding commissioner prior to the adoption of any resolution or ordinance approving tax increment financing projects. This bill adds Cass County to such list of counties.

Redevelopment plans approved or amended after December 31, 2021, by a city not within a county may provide for the deposit of up to 10% of the tax increment financing revenues generated pursuant to Section 99.845 into a strategic infrastructure for economic growth fund established by such city in lieu of deposit into the special allocation fund. Moneys deposited into the strategic infrastructure for economic growth fund pursuant to this section may be expended by the city establishing such fund for the purpose of funding capital investments in public infrastructure that the governing body of such city has determined to be in a census tract that is defined as a low-income community pursuant to 26 U.S.C. Section 45D(e) or is eligible to be designated as a qualified opportunity zone pursuant to 26 U.S.C. Section 1400Z-1.

New projects are prohibited from being authorized in any greenfield area.

Beginning January 1, 2022, this also prohibits new projects from being authorized in an area designated as a flood plain by the Federal Emergency Management Agency unless such projects are located in:

(1) Jackson, Platte, Clay, or Cole counties;
(2) The cities of Springfield, St. Joseph, Jefferson City, or Hannibal;
(3) In a port district, provided such financing is utilized for port infrastructure projects; or
(4) In a levee or drainage district created prior to August 28, 2021. Projects in flood plains will not be authorized in St. Charles County unless the redevelopment area actually abuts a river or major waterway, as described in the bill.

Currently the law allows districts and counties imposing a property tax for the purposes of providing emergency services to be entitled to reimbursement from the special allocation fund of a portion of the district's or county's tax increment. For projects approved after August 28, 2021, this bill modifies the provision to allow reimbursement to ambulance districts, fire protection districts, and governing bodies operating a 911 center providing dispatch services and which impose economic activity taxes for such purposes.

TAXATION OF AIRCRAFT (Section 137.115)

This bill increases the number of hours of operation per year a noncommercial aircraft at least 25 years old can fly from less than 50 hours to less than 200 hours in order to be assessed and valued at 5% of the aircraft's true value for property tax purposes.

INDIVIDUAL INCOME TAX (Sections 143.011, 143.121, 143.171 and 143.177)

Current law provides for a reduction in the top rate of income tax of 0.5% phased-in over a period of years in 0.1% increments, with each cut becoming effective if net general revenue collections meet a certain trigger. This bill adds two additional 0.1% reductions. Additionally, beginning with the 2024 calendar year, the top rate of tax will be reduced by 0.1%.

Currently, a taxpayer is allowed to deduct from his or her Missouri adjusted gross income a portion of his or her federal income taxes paid. This bill provides that federal income tax credits received under Public Law 116-260 or any amount of federal income tax refund attributable to a tax credit reducing a taxpayer's federal tax liability under any other federal law that provides direct economic impact payments to taxpayers to mitigate financial challenges related to the COVID-19 pandemic will not be considered when determining the amount of federal income tax liability allowable as a deduction.

This provision contains an emergency clause.

Currently, taxpayers who itemize deductions are required to include any federal income tax refund amounts in his or her Missouri adjusted gross income if such taxpayer previously claimed a deduction for federal income tax liability on his or her Missouri income tax return. This bill provides that any amount of a federal income tax refund attributable to a tax credit received under Public Law 116-260 or any amount of federal income tax refund attributable to a tax credit reducing a taxpayer's federal tax liability under any other federal law that provides direct economic impact payments to taxpayers to mitigate financial challenges related to the COVID-19 pandemic will not be included in the taxpayer's Missouri adjusted gross income

This provision contains an emergency clause.

This bill also establishes the "Missouri Working Family Tax Credit Act". Beginning with the 2023 calendar year, this bill creates a tax credit to be applied to a taxpayer's Missouri income tax liability after all reductions for other credits for which the taxpayer is eligible have been applied. The tax credit will not exceed the amount of the taxpayer's tax liability, and will not be refundable. The amount of such tax credit will be a percentage of the amount of a taxpayer's federal earned income tax credit as such credit existed as of January 1, 2021. The initial percentage will be 10% and may be increased to 20% of the amount of a taxpayer's federal earned income tax credit. The initial percentage claimed and any increase in the percentage claimed will only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least $150 million.

The Department of Revenue will determine whether a taxpayer who did not apply for the tax credit established by this bill is eligible and will notify such taxpayer of his or her potential eligibility.

The Department will prepare an annual report regarding the tax credit established by this bill containing certain information as described in the bill.

SALES TAX ADMINISTRATION (Section 144.049, 144.080, 144.140, 144.526, 144.608, 144.637, and 144.638)

This bill authorizes the Department of Revenue to consult, contract, and work jointly with the Streamlined Sales and Use Tax Agreement's Governing Board to allow sellers to use the Governing Board's certified service providers and central registration system services, or to consult, contract, and work with certified service providers independently. The Department may determine the method and amount of compensation to be provided to certified service providers. The bill also authorizes the Department to independently take such actions as may be reasonably necessary to secure the payment of and account for the tax collected and remitted by retailers and vendors under the bill.

This provision will expire on January 1, 2028, unless reauthorized by the General Assembly.

The school and Show Me Green sales tax holidays are modified by repealing the ability for political subdivisions to opt out of the sales tax holidays, and by defining how the sales tax exemption applies to the purchase or return of certain items.

The Director will provide and maintain downloadable electronic databases at no cost to the user of the databases for taxing jurisdiction boundary changes, tax rates, and a taxability matrix detailing taxable property and services. Sellers and certified service providers (CSP) will be relieved from liability if they fail to properly collect tax based upon information provided by the Department. Certified service providers, sellers, and marketplace facilitators may utilize proprietary data, provided the Director certifies that such data meets the standards provided for under the bill.

This bill relieves a purchaser from any penalties for failure to pay the proper amount of sales tax if the error was a result of erroneous information provided by the Director of Revenue.

Monetary allowances from taxes collected will be provided to certain sellers and certified service providers for collecting and remitting state and local taxes, as described in the bill.

Currently, the law provides statutory sales tax collection thresholds to determine the frequency at which sellers must file and remit sales taxes collected, with such periods being quarter-monthly, monthly, quarterly, and annually. Currently, the law also allows the Department of Revenue to increase, but not decrease, such thresholds through rule. This bill modifies the statutory thresholds for the monthly, quarterly, and annual filing periods.

For monthly filing, the threshold is changed from at least $250 in the first or second month of a calendar quarter to at least $500 per calendar month for the prior year.

For quarterly filing, the threshold is changed from at least $45 in a calendar quarter, to less than $500 per calendar month, but at least $200 in a calendar quarter during the previous calendar year.

For annual filing, the threshold is changed from less than $45 per calendar quarter to less than $200 per calendar quarter during the previous calendar year.

USE TAX ECONOMIC NEXUS (Section 144.605)

This bill modifies the definition of "engaging in business activities within this state" to include vendors that had cumulative gross receipts from taxable sales of at least $100,000 from the sale of tangible personal property for the purpose of storage, use, or consumption in this state in the previous 12 month period, as described in the bill. Vendors meeting such criteria will be required to collect and remit the use tax as provided under current law.

MARKETPLACE FACILITATORS (Section 144.752)

Beginning January 1, 2023, marketplace facilitators, as defined in the bill, that engages in business activities within the state must register with the Department to collect and remit use tax on sales delivered into the state through the marketplace facilitator's marketplace by or on behalf of a marketplace seller, as defined in the bill. Such retail sales will include those made directly by the marketplace facilitator as well as those made by marketplace sellers through the marketplace facilitator's marketplace.

Marketplace facilitators will report and remit use tax collected under these provisions as determined by the Department. Marketplace facilitators properly collecting and remitting use tax in a timely manner will be eligible for any discount provided for under current law.

Marketplace facilitators must provide purchasers with an invoice showing that the use tax was collected and will be remitted on the marketplace seller's behalf.

No class action will be brought against a marketplace facilitator in any court in this state on behalf of purchasers arising from or in any way related to an overpayment of sales or use tax collected on retail sales facilitated by a marketplace facilitator, regardless of whether that claim is characterized as a tax refund claim.

LOCAL USE TAXES (Sections 144.757, 144.759, and Section 1)

This bill modifies ballot language required for the submission of a local use tax to voters by repealing ballot language specific to St. Louis County and its municipalities and the City of St. Louis, making the required ballot language in all municipalities identical.

This bill prohibits a local use tax from being described as a new tax, described as not being a new tax, and being advertised or promoted in a manner in violation of current law.

This bill provides that the portion of the local use tax imposed by St. Louis County will be distributed to the cities, towns, villages, and unincorporated areas of the county on the ratio of the population that each such city, town, village, and unincorporated area bears to the total population of the county.

No later than the first week of November 2021, any county or municipality that has enacted a local use tax must provide notice, as described in the bill, in a newspaper and on the county's or municipality's website that certain purchases from out-of-state vendors will become subject to the provisions of the bill.

MISSOURI WORKS (Section 620.2005)

Current law excludes store front consumer-based retail trade establishments from the definition of "qualified company" for the purposes of receiving benefits under the Missouri Works program. This bill allows such establishments located in a third or fourth class county to be included in such definition.

SIMPLIFIED SALES AND USE TAX ADMINISTRATION ACT (Sections 144.1000-144.1015)

This bill repeals the Simplified Sales and Use Tax Administration Act.

EFFECTIVE DATES

Provisions of the bill relating to the deduction of federal income taxes paid contain an emergency clause.

The provisions of this bill relating to sales tax administration, use taxes, and income taxes will become effective January 1, 2023.

Provisions of the bill modifying definitions relating to video service provider fees will become effective August 28, 2023.

The remaining provisions will become effective August 28, 2021.

HCS SS SB 176 -- EMERGING TECHNOLOGIES

FOOD DELIVERY PLATFORM (Section 196.276, RSMo)

This bill requires a food delivery platform in Missouri to file a certificate of formation or registration with the Secretary of State prior to delivering or picking up an order from a restaurant. The food delivery platform cannot charge a restaurant a fee or charge unless the platform has an agreement with the restaurant. Nor may the food delivery platform alter any pricing or change the fee charged to a restaurant for using the delivery service without a written agreement. A food delivery platform is also prohibited from using a restaurant's likeness in a manner that falsely suggests sponsorship or endorsement by the restaurant.

The bill requires a food delivery service to remove a restaurant from their platform upon the restaurant's request within 10 days, except as specified in the bill, and a consumer must be provided with a way to express concerns regarding his or her order directly to the food delivery platform.

A restaurant may bring an action to enjoin a violation of these provisions and if the violation is proven the court shall issue an injunction and may require the food delivery platform to pay all profits derived from or damages caused by the wrongful act and order the wrongful act to be terminated. If the court finds that the food delivery platform committed a wrongful act in bad faith by not having an agreement or written consent with the restaurant then the court may enter a judgment in an amount not to exceed three times the amount of the profits and damages; and award reasonable attorney's fees to the restaurant.

This provision has a delayed effective date of January 1, 2022.

ELECTRIC BICYCLES (Sections 300.010, 301.010, 302.010, 303.020, 304.001, 307.025, 307.180, 307.188, 307.193, 307.194, 365.020, 407.560, 407.815, 407.1025, and 578.120)

As used in Chapters 300 and 301, the bill defines "electric bicycle" as a bicycle with fully operable pedals, a seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of three classes:

(1) "Class 1 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour;
(2) "Class 2 electric bicycle", an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour; or
(3) "Class 3 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

Other definitions within those chapters are changed to either specifically include or exclude "electric bicycle".

As used in Chapters 302, 303, 307, 365 and 407 "electric bicycle" is defined in reference to its definition in Chapter 301, and other definitions within those chapters are changed to either specifically include or exclude "electric bicycle".

In Section 578.120, "electric bicycle" is specifically excepted from the prohibition on Sunday sales.

The bill also provides that every person riding an electric bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the operator of a bicycle, or the driver of a vehicle as provided by Chapter 304, except as to special regulations in Sections 307.180 to 307.193 and except as to those provisions of Chapter 304 which by their nature can have no application.

Operation of an electric bicycle is not subject to provisions of law that are applicable to motor vehicles, all-terrain vehicles, off-road vehicles, off-highway vehicles, motor vehicle rentals, motor vehicle dealers or franchises, or motorcycle dealers or franchises, including vehicle registration, certificates of title, drivers' licenses, and financial responsibility.

Beginning August 28, 2021, manufacturers and distributors of electric bicycles are required to apply a permanent label to each electric bicycle in a prominent location, which must contain the classification number, top assisted speed, and motor wattage of the electric bicycle. The text on the label must be Arial font and in at least nine-point type. A person is prohibited from tampering with or modifying an electric bicycle in such a way that changes the motor-powered speed capability or engagement of the electric bicycle unless he or she replaces the required label with a new label indicating the new classification.

An electric bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission, 16 CFR 1512. An electric bicycle must be operated so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

Electric bicycles can be ridden where bicycles are permitted, subject to certain provisions set out in the bill. The use of a class 3 electric bicycle is subject to certain provisions set out in the bill, including the operator must be 16 years old, and be equipped with a speedometer.

PERSONAL DELIVERY DEVICES (Section 304.900)

This bill enacts provisions relating to personal delivery devices ("PDDs"), as defined in the bill.

PDDs may operate on sidewalks and crosswalks, and may operate on county or municipal roadways provided they do not unreasonably interfere with motor vehicles or traffic.

PDDs shall not block public rights of way, shall obey traffic and pedestrian control signals, shall not exceed 10 miles per hour on a sidewalk, shall display a unique identification number, shall include a means of identifying the operator of the device, and shall be equipped with a system allowing the device to come to a controlled stop.

PDDs operating on sidewalks shall have the same responsibilities as pedestrians. PDDs shall be exempt from motor vehicle registration requirements, and shall maintain a general liability insurance policy of at least $100,000. PDDs operated at night shall be equipped with lighting as provided in the bill. PDDs shall not be used to transport hazardous materials regulated by federal law as specified in the bill.

Nothing in this bill shall prohibit a political subdivision from regulating the operation of PDDs on highways or pedestrian areas to insure the welfare and safety of its residents. However, political subdivisions shall not regulate the design, manufacture and maintenance of PDDs or the types of property they may transport. No political subdivision shall treat PDDs differently than other similar personal property for assessment or taxation purposes, or for other charges.

The bill prohibits PDD operators from selling or disclosing a personally identifiable likeness, as described in the bill, to a third party in exchange for monetary compensation but the use of personally identifiable likenesses by PDD operators to improve their products or services is specifically allowed under the bill, and information that would otherwise be protected under the bill shall only be provided to a law enforcement entity by subpoena.

ADMINISTRATIVE FEES CHARGED BY VEHICLE DEALERS IN CONNECTION WITH THE SALE OR LEASE OF A VEHICLE (Section 301.558)

This bill creates the Motor Vehicle Administration Technology Fund, to which 10% of administrative fees charged by motor vehicle dealers shall be remitted for purposes of developing a modernized, integrated system for the titling of vehicles, the issuance and renewal of vehicle registrations, driver's licenses, and identification cards, and the perfection and release of liens and encumbrances on vehicles. Following establishment of the system, the percentage of the fees required to be remitted is reduced to 1%. These provisions shall expire on January 1, 2037.

Additionally, this bill increases, from less than $200 to $500 or less, the maximum administrative fee a motor vehicle, boat, or powersport dealer licensed by the Department of Revenue may charge for document storage or other administrative or clerical services without being deemed to be engaged in the unauthorized practice of law. The maximum administrative fee specified under the bill shall be increased annually by the Consumer Price Index for All Urban Consumers, or by zero, whichever is greater. The bill provides that the same administrative fee need not be charged to all retail customers if the dealer's franchise agreement limits the fee to certain classes of customers.

DIGITAL ELECTRONIC EQUIPMENT (Section 407.005)

Defines "digital electronic equipment" for the purposes of Chapter 407 as any product that depends for its functioning on digital electronics embedded in or attached to the product. However, it shall not include any motor vehicle manufacturer, manufacturer of motor vehicle, or motor vehicle dealer, or any product or service of a motor vehicle manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer acting in that capacity.

SB 189 -- NEGRO LEAGUES BASEBALL MUSEUM LICENSE PLATE

This bill creates a "Negro Leagues Baseball Museum" special license plate. Upon making a $10 contribution to the Negro Leagues Baseball Museum, a vehicle owner may apply for the plates. Applicants shall also pay a $15 fee in addition to regular registration fees, but no additional fee shall be charged for the personalization of the plates.

CCS HCS SB 226 -- TAXATION

(Vetoed by Governor)

This bill modifies provisions relating to taxation.

PROPERTY TAXES (Sections 137.115 and 139.305, RSMo)

This bill increases the number of hours of operation per year a noncommercial aircraft at least 25 years old can fly from less than 50 hours to less than 200 hours in order to be assessed and valued at 5% of the aircraft's true value for property tax purposes (Section 137.115).

Beginning January 1, 2021, this bill allows a taxpayer that is a resident of a city or county that imposes one or more restrictive orders for a combined total in excess of 15 days in a calendar year to receive a credit against property taxes owed on such affected property. A restrictive order is any city-wide or county-wide ordinance or order imposed by a city or county that prohibits or otherwise restricts the use of a taxpayer's real property, including, but not limited to, occupancy restrictions, but will not include any ordinance or order prohibiting or restricting the use of a taxpayer's real property due to a violation of a public health or safety code.

The amount of the credit will be a percentage of the property tax liability that is equal to the percentage of the calendar year that the restrictions on the use of the property were in place, provided that the first 15 total combined days of all such orders will not count toward such calculation of the credit. A taxpayer must timely pay all property taxes in full prior to submitting a statement to the county collector requesting the credit authorized by the bill by December 31st. Within 30 days of the receipt of such statement, the city or county must issue a refund to the taxpayer for the amount of the property tax owed to such taxpayer.

A taxpayer receiving a tax credit under the bill that leases or rents all or a portion of his or her affected real property to one or more other taxpayers must distribute the tax credit on a pro rata basis to the taxpayers who are current on all lease or rental payments owed to the taxpayer receiving the credit.

The credit authorized by this bill will only apply to real property tax liabilities owed to a city or county imposing a restrictive order, and will not apply to property tax liabilities owed to any other taxing jurisdiction or to property tax liabilities owed on tangible personal property.

This provision contains an emergency clause (Section 139.305).

INCOME TAXES (Section 143.121)

This bill allows taxpayers authorized under the Missouri Constitution to operate a business related to medical marijuana to claim an income tax deduction in an amount equal to any expenditures otherwise allowable as a federal income tax deduction, but that are disallowed for federal purposes because marijuana is a controlled substance under federal law.

SALES TAX EXEMPTIONS (Sections 144.011 and 144.813)

This bill provides that the definition of "retail sale" or "sale at retail" for the purposes of the imposition of sales taxes will not apply to the purchase by a retailer of products that are intended for resale but that cannot be resold because of theft or because the product is damaged and cannot be resold, or to the purchase by a grocery store of food that is intended for resale but that cannot be resold because of theft or because the food has become spoiled and would not be safe for consumption.

This bill provides a sales tax exemption for sales of class III medical devices that use electric fields for the purposes of treatment of cancer, including components and repair parts and disposable or single patient use supplies required for the use of such supplies.

SALES TAX FILING PERIODS (Section 144.080)

Currently, statutory sales tax collection thresholds are provided to determine the frequency at which sellers must file and remit sales taxes collected, with such periods being quarter-monthly, monthly, quarterly, and annually. Current law also allows the Department of Revenue to increase, but not decrease, such thresholds through rule. This bill modifies the statutory thresholds for the monthly, quarterly, and annual filing periods.

For monthly filing, the threshold is changed from at least $250 in the first or second month of a calendar quarter to at least $500 per calendar month during the previous calendar year.

For quarterly filing, the threshold is changed from at least $45 in a calendar quarter, to less than $500 per calendar month, but at least $200 in a calendar quarter during the previous calendar year.

For annual filing, the threshold is changed from less than $45 per calendar quarter to less than $200 per calendar quarter during the previous calendar year.

SALES TAX RETENTION (Section 144.142)

Beginning August 28, 2021, and ending June 30, 2023, this bill authorizes sellers to deduct and retain 100% of the state portion of sales tax levied on purchases of admission tickets to movies, films, and musical performances, as well as on sales of concessions sold onsite at such seller's place of business.

SS SB 258 -- MILITARY AFFAIRS

This bill modifies numerous provisions of laws relating to military affairs, including the classification of members of the National Guard and infrastructure and armory designations for members of the military.

CLASSIFICATION OF MISSOURI NATIONAL GUARD MEMBERS (Section 41.201, RSMo)

This bill provides that service members of the Missouri National Guard will be considered state employees for the purposes of operating state-owned vehicles for official state business unless the members are called into active federal military service by order of the President of the United States.

MEMORIAL ARMORY DESIGNATION (Section 41.676)

This bill designates the National Guard armory located in or nearest to Joplin as the "Sergeant Robert Wayne Crow Jr. Memorial Armory".

MEDAL OF HONOR RECIPIENTS (Sections 143.1032, 227.229, 301.020, 302.171, and Section 1)

This bill creates the "Missouri Medal of Honor Recipients Fund" to consist of moneys donated as provided in the bill. Monies in the Fund will be transferred upon request, but not less than monthly, to the Department of Transportation to pay any renewal fee for memorial bridge or memorial highway signs for Missouri Medal of Honor recipients, and for the maintenance and repair of all such signs.

The bill provides for Missouri citizens to make donations to the Fund with their tax returns, vehicle registration application, or driver's license application. Additionally, the Department of Revenue will provide notification of the payment transfer to the credit of the State Road Fund to the Department of Transportation.

The bill also provides that Missouri recipients of the Medal of Honor will not be eligible for the administrative process for limited-duration memorial highway and bridge designations and provides that the costs of signs designating the infrastructure for Medal of Honor Recipients will be funded by the Department of Transportation.

PURPLE HEART TRAILS (Sections 227.463, 227.464, 227.465, 227.466, and 227.467)

This bill designates specified highways as "Purple Heart Trails" that honor military veterans who have received purple heart medals. The sections to be named are:

(1) The portion of Interstate 29 from its intersection of Interstate 70/U.S. State Highway 71/40 in Jackson County north to the bridge crossing over Nishnabotna River in Atchison County, except for those portions of Interstate 29 previously designated as of August 28, 2021;
(2) The portion of Interstate 55 from State Highway O in Pemiscot County to U.S. Highway 40 in St. Louis City, except for those portions of Interstate 55 previously designated as of August 28, 2021;
(3) The portion of Interstate 57 from the Missouri/Illinois state line in Mississippi County continuing south to U.S. State Highway 60/State Highway AA in Scott County; and
(4) The portion of Interstate 64 from Interstate 70 from the city of Wentzville in St. Charles County continuing east to Interstate 55 at the Missouri/Illinois state line in St. Louis City, except for those portions of Interstate 64/US40/US61 previously designated as of August 28, 2021.

The cost of signage for these designations will be paid by private donation.

Additionally, this bill provides that a highway's classification as a "Purple Heart Trail" will not prevent a segment of such highway from being additionally designated as a memorial highway.

MEMORIAL HIGHWAY AND BRIDGE DESIGNATIONS (Sections 227.229, 227.450, 227.477, 227.478, 227.486, 227.488, 227.489, 227.490, 227.495, 227.496, 227.497, 227.498, 227.777, 227.780, 227.781, 227.782, 227.783, 227.784, 227.785, and 227.793)

This bill requires the Department of Transportation to post a link on its website to biographical information of persons honored with designations on the state highway system after August 28, 2021.

This bill designates a portion of US Highway 60 from the intersection of State Route O to the intersection of Leadhill Drive in Wright County as the "Spc. Justin Blake Carter Memorial Highway".

This bill designates a portion of U.S. Business 71 from State Highway 76 West to State Highway EE in McDonald County as the "Army PFC Christopher Lee Marion Memorial Highway".

This bill designates a portion of U.S. State Highway 160 from West BYP to County Road 115 in Greene County as the "Otis E Moore Memorial Highway".

This bill designates a portion of Highway 60 from CRD Mockingbird Road continuing east to State Highway PP in Webster County as the "Army SGT Timothy J Sutton Memorial Highway".

This bill designates the bridge on U.S. Highway 63 crossing over Business 63 in Adair County as the "U.S. Army SGT Brandon Maggart Memorial Bridge".

This bill designates the bridge on U.S. Highway 63 crossing the BSNF Railroad/Marceline Sub in La Plata in Macon County as the "U.S. Army PFC Adam L Thomas Memorial Bridge".

This bill designates the bridge on U.S. State Highway 63 crossing over Patterson Street in Adair County as the "U.S. Army SFC Matthew C Lewellen Memorial Bridge".

This bill designates that portion of U.S. State Highway 54 from State Highway E to State Highway D in Cole County as the U.S. Army Specialist Michael Campbell Memorial Highway".

This bill designates a portion of State Highway T from one-half mile west of Laretto Ridge Drive to Decker Road in the town of Labadie in Franklin County as the "Medal of Honor PVT George Phillips Memorial Highway".

This bill designates the portion of U.S. State Highway 63 from Spruce Street to McKay Street within the city of Macon in Macon County as the "US Army Sergeant Hugh C Dunn Memorial Highway".

This bill designates the portion of Interstate 64 from

Winghaven Boulevard to Prospect Road within the city of Lake St. Louis in St. Charles County as the "US Navy SEAL Scotty Wirtz Memorial Highway".

This bill designates the bridge on State Highway 17 crossing over the BSNF Railroad south of the city of Crocker in Pulaski County as "US Navy FA Paul Akers Jr Memorial Bridge".

This bill designates that portion of State Highway 163 from Stadium Boulevard/State Highway 740 continuing south to Mick Deaver Drive in Boone County as the "PFC Dale Raymond Jackson Memorial Highway".

The bill designates that portion of State Highway 163 from Mick Deaver Drive to Old Route K in Boone County as the "Corporal Steven Lee Irvin Memorial Highway".

The bill designates that portion of State Highway 163 from Old Route K to Green Meadows Drive in Boone County as the "CPL Daniel Joseph Heibel Memorial Highway".

The bill designates that portion of State Highway 163 from Green Meadows Drive to Nifong in Boone County to "LCPL Larry Harold Coleman Memorial Highway".

This bill designates that portion of U.S. State Highway 63 crossing over Beaver Creek in Phelps County as the "VFW Post 2025 Memorial Bridge".

This bill designates the bridge on State Highway 21 crossing over the Current River in Ripley County as the "Veterans Memorial Bridge".

This bill designates a portion of Interstate 44 from State Highway 744/N. MulRoy Road continuing east to RA IS 44 Strafford/Green County Line in Greene County as the "Nathanael Greene Highway".

The costs of signage for these designations will be paid by private donations with the exception of "Medal of Honor PVT George Phillips Memorial Highway" in Franklin County which will have cost paid by the Department of Transportation.

SS#2 SCS SB 262 -- TRANSPORTATION

This bill modifies provisions relating to transportation.

TRANSPORTATION FUNDING (Sections 142.803, 142.822, 142.824, 142.869, and 142.1000, RSMo)

This bill enacts an additional tax on motor fuel, beginning with 2.5 cents in October 2021, and increasing by 2.5 cents in each fiscal year until reaching an additional 12.5 cents per gallon on July 1, 2025.

Motor fuel used for propelling highway vehicles will be exempt from the additional tax, and an exemption and refund may be claimed by the taxpayer if the tax has been paid and no refund has been previously issued, provided that the taxpayer applies for the exemption and refund as provided in the bill.

To claim an exemption and refund, a person must present written verification that the claim is made under penalty of perjury, and stating the amount of fuel tax paid in the applicable fiscal year for each vehicle for which the exemption and refund is claimed. The claim cannot be transferred or assigned, and must be filed on or after July 1, but not later than September 30, following the fiscal year for which the exemption and refund is claimed. The claim may be filed electronically, and must be supported by certain documentation as provided in the bill.

Every person must maintain and keep records for three years to substantiate all claims for exemption and refund of the motor fuel tax, as specified in the bill.

The Director of the Department of Revenue may investigate exemptions and refunds prior to their issuance, or following issuance but within the time frame for making tax adjustments as provided by law.

The bill provides for payment of interest by the Director for exemptions and refunds not issued within 45 days of an accurate and complete filing.

The exemption and refund of additional motor fuel tax will be available only with regard to motor fuel delivered into a motor vehicle with a gross vehicle weight rating of 26,000 pounds or less.

This bill also provides that the existing fuel tax exemptions for non-highway use may be filed electronically, that applicants must retain original sales slips rather than submitting them to the Department, and that refunds must be issued within 45 days, rather than 30 days.

The bill specifies that the fees for alternative fuel decals are increased by 20% per year for a period of 5 years, except that the fee for vehicles in excess of 36,000 pounds is increased by 10% per year for a period of five years, and the fee for temporary decals is not modified.

The "Electric Vehicle Task Force" is established within the Department of Revenue, with membership as specified in the bill, including two members of the Senate one each appointed by the President Pro Tem and the Minority Floor Leader and two members of the House of Representatives one each appointed by the Speaker of the House and the Minority Floor Leader. As detailed in the bill, the Task Force must analyze and make recommendations regarding the impact of electric vehicle adoption on transportation funding. The Task Force must deliver a written report to the General Assembly and the Governor no later than December 31, 2022.

ODOMETER READINGS (Sections 301.192, 301.280, 407.526, 407.536 and 407.556)

The bill increases, from 10 years to 20 years, the maximum age of a motor vehicle required to have its odometer readings recorded in certain circumstances. A corresponding change is made with regard to odometer fraud offenses. The bill also specifies that the Department of Revenue may allow electronic signatures on written powers of attorney authorizing mileage disclosures and transfers of ownership.

COMMERCIAL DRIVING LICENSE BANS FOR HUMAN TRAFFICKING CONVICTIONS (Section 302.755)

The bill enacts a lifetime ban from driving a commercial motor vehicle for any person convicted of using a commercial motor vehicle in the commission of a felony involving "severe forms of human trafficking in persons", as defined by federal law.

CCS HCS SB 303 -- WORKERS COMPENSATION

This bill modifies provisions related to Worker's Compensation.

ELECTRONIC TRANSFER OF DISABILITY PAYMENTS (Sections 287.170 to 287.180, RSMo)

This bill allows for electronic payments of certain benefits such as temporary total or temporary partial disability payments.

SECOND INJURY FUND (Sections 287.220 and 287.715)

The Division of Workers' Compensation within the Department of Labor may give priority to and pay from the Second Injury Fund, all death benefits related to claims before January 1, 2014 and ongoing medical expenses occurring before January 1, 2014.

Currently, the Second Injury Fund receives funds from an annual surcharge of up to 3% on Employers' Workers' Compensation premiums and an annual supplemental surcharge of up to 3% for calendar years 2014 to 2021. This bill extends the supplemental surcharge sunset from 2021 to December 31, 2023, but authorizes a 2.5% surcharge during calendar year 2023 with the 3% surcharge remaining during calendar year 2022.

SELF-INSURANCE (Section 287.280)

If a group of employers who have been granted self-insurance authority under Chapter 537 or a public sector individual employer granted self-insurance authority under Chapter 537, files for bankruptcy and fails to pay any of its obligations that are owed to an injured employee or an injured employee's dependent or dependents, the Division shall call upon the entire security posted by the group of employers or public sector individual employer. The Division may refer all known losses or cases of the group of employers or public sector individual employer to a third-party administrator or any such entity authorized in this state to administer the Workers' Compensation cases. Any unused portion of the security proceeds must be returned to the Division.

ELECTRONIC FILINGS WITH LIRC (Section 287.480)

The bill allows the Labor and Industrial Relations Commission (LIRC) to permit the filing of applications for review, briefs, motions, and other requests for relief with the Commission by electronic means, in such manner as it may, by rule, prescribe.

CCS HS HCS SCS SB 520 -- MEMORIAL HIGHWAYS AND BRIDGES

This bill designates certain portions of highways and certain bridges as memorials.

The portion of State Highway D from the intersection with State Highway 84 continuing north to County Road 321 in Pemiscot County will be designated the "Duane S Michie Memorial Highway" (Section 227.479, RSMo).

The portion of State Highway H from Interstate 44 West continuing north to County Road 88 in Greene County will be designated as "Deputy Sheriff Aaron P Roberts Memorial Highway" (Section 227.485).

The portion of State Highway 37 from County Road 1062 continuing to County Road 1060 in Barry County will be designated as the "MSgt Carl Cosper Jr Memorial Highway" (Section 227.499).

The portion of State Highway 25 from U.S. Highway 60 continuing north to Mary Street in Stoddard County will be designated as "Stars and Stripes Highway" (Section 227.778).

The bridge on Interstate 55 crossing over Butler Hill Road in St. Louis County will be designated as "Police Officer Michael V Langsdorf Memorial Bridge" (Section 227.779).

The portion of Interstate 70 from Shreve Road continuing to Kingshighway Boulevard will be designated as "David Dorn Memorial Highway" (Section 227.787).

The bridge on Interstate 64 crossing over Sarah Street in St. Louis City will be designated as the "Police Surgeon James F Cooper MD Memorial Bridge" (Section 227.788).

The portion of State Highway 91 from U.S. State 61 to State Highway C and continuing east on State Highway C through the city of Morley to State Highway H in Scott County will be designated as "Billy Ray - Cousin Carl - Anderson Memorial Highway" (Section 227.789).

The bill corrects the location of the "Police Officer Christopher Ryan Morton Memorial Highway" (Section 227.803).

The portion of State Highway 180 from Interstate 170 continuing to Kienlen Avenue will be designated as "Captain David Dorn Memorial Highway" (Section 227.806).

The bridge on State Highway 34, also known as South Main Street, crossing over the Makenzie Creek in Wayne County will be designated as "WW II POW Alex Cortez Memorial Bridge" (Section 1).

The portion of State Highway 43 from State Highway U continuing to State Highway C in Newton County will be designated as "Firefighter Tyler H Casey Memorial Highway" (Section 2).

That portion of Interstate 64 between Jefferson Avenue and Tucker Boulevard located in the City of Saint Louis will be designated as "Bobby Plager Memorial Highway" (Section 3).

The Department of Transportation will erect and maintain the signs, with the costs to be paid by private donations.

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CCS HCS SS SCS SB Nos. 153 & 97..... Taxation

TRANSPORTATION

TRANSPORTATION, DEPARTMENT OF

TREASURER, STATE

UTILITIES .....

VETERANS

VETOED BILLS

** Indicates Appropriations Bill Vetoed in Part by the Governor*

VICTIMS OF CRIME

HCS SS SCS SB 71 ..... Civil Proceedings

VITAL STATISTICS

SS SCS HCS HB 429 ..... Child Placement
SS SCS HS HB 432 ..... Protection of Vulnerable Persons

WATER PATROL

HCS SCS SB 49 ..... Modifies provisions relating to public safety

WATER RESOURCES AND WATER DISTRICTS

HCS SS SB 44 ..... Utilities
SCR 7 ..... North Central Missouri Regional Water Commission

WORKERS COMPENSATION

SCS HB 604 ..... Insurance
SS SB 45 ..... Firefighter Benefits
CCS HCS SB 303 ..... Workers' Compensation

BILLS STATISTICS

2021 Regular Session

Missouri General Assembly

	Introduced	Third Read In the House	Truly Agreed	Vetoed by the Governor
House Bills	1440	157	21	3
House Committee Bills	2	0	0	0
House Concurrent Resolutions	50	3	0	0
House Joint Resolutions	64	4	1	0
House Appropriation Bills	21	18	18	0**
Senate Bills	630	41	26	0
Senate Concurrent Resolutions	20	3	3	0
Senate Joint Resolutions	29	0	0	0
TOTALS	**2256**	**226**	**69**	**0**

** Does not include line item vetoes

Prepared by House Research 10-13-2021

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